



Monday, 27 January 2020

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 4 February 2020

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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CABINET AGENDA

1. Apologies

To receive apologies for absence.

2. Disclosure of Interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

3. Communications

To receive any communications or announcements from the Leader of the Council.

4. Urgent Items

To consider any other items the Chairman decides are urgent.

5. Matters for Consideration

6. Budget 2020/21

To receive the recommendations of the Overview and Scrutiny Board on the Cabinet's draft budget proposals for 2020/21 (report attached) and to make final recommendations to the Council (Report on Cabinet's final draft budget proposals to follow).

(Pages 4 - 10)

7. Crowdfunding Torbay

To consider establishing a Crowdfunding scheme for Torbay.

(Pages 11 - 23)

8. Refreshed Visual Identity

To consider proposals for a new visual identify for Torbay Council for digital and print purposes.

(Pages 24 - 32)

- 9. Budget Monitoring 2019/20 - Quarter Three** (Pages 33 - 58)
To receive budget monitoring information for Quarter 3.
- 10. Integrated Care System Governance in Devon** (Pages 59 - 97)
To consider governance arrangements for the Integrated Care System in Devon.
- 11. Domestic Abuse Charter for Employees** (Pages 98 - 118)
To consider adopting the Domestic Abuse Charter for Employees.
- 12. Exclusion of Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
- 13. New Investment Opportunities**
To consider potential investment opportunities.
- 14. New Economic Growth Fund Opportunities**
To consider any new Economic Growth Fund investment opportunities.
- 15. Update on Existing Investments**
To receive an update on existing investments.

Revenue Budget 2020/2021

Report to the Cabinet

January 2020



1. Background

- 1.1 The Cabinet's Draft Revenue Budget Digest was published in December 2019. The Digest set out the proposed budget for each Council service for 2020/2021 including the proposals for service change, income generation and savings. The Priorities and Resources Review Panel was established to scrutinise the proposals and to make comments, observations and recommendations as necessary.
- 1.2 The Review Panel comprised the councillors on the Overview and Scrutiny Board (namely Councillors Barrand, Brown, Bye, Mandy Darling, Foster, Howgate, Kennedy and Loxton, with Councillor Doggett unable to attend the meetings) and it met in January 2020. At its meetings the Panel heard from the Leader of the Council and the Cabinet Members as well as from officers from the Senior Leadership Team and members of the public.
- 1.3 The Panel considered all of the identified savings for 2020/2021 and future years as well as the overall budgets for Children's and Adult Services and the findings from their meetings are set out in this report.

2. Thriving People

- 2.1 This theme covered the following services:
 - a) Culture, Events and Sport;
 - b) Spatial Planning and Building Control; and
 - c) Community Safety.
- 2.2 The Panel noted how the budget had been developed, by Senior Officers and the Leader of the Council and Cabinet Members since Spring 2019, based on a reduction of Revenue Support Grant from Central Government from £42m in 2013/2014 to an expected £6.5m for 2020/2021 as a result of austerity.
- 2.3 **Review the operating model of Torre Abbey** – Whilst the Panel acknowledged the employment of a new Manager, who had a background in working with the National Trust, and the benefits their experience could bring to the daily operations of Torre Abbey, they were concerned over the proposed reduction of £30,000 and whether this was realistic in the absence of a business plan.
- 2.4 **Move to a trust model for UNESCO Geopark** – The Panel noted that the Council had been trying to seek alternative funding streams for the Geopark for a number of years without success and were concerned that the creation of a trust was unrealistic. An example of a comparable trust being established for an UNESCO site

was the Geopark in the Shetland Island which benefited from income from North Sea Oil, other UNESCO sites were usually managed by the respective local administration or government. The Panel noted that the idea of a trust came from the management group who currently run the Geopark and links to the future of Kents Cavern. There was no business case put forward to support the proposal. The proposal cast doubt on the delivery of this target referring to using funding from the Comprehensive Spending Review Reserve to meet part year costs. This would put increasing pressure on the Council's Reserves, which were already at an all-time low and below recommended levels and put the Council at a significant financial risk if unknown financial pressures occur during 2020/2021. The Panel acknowledged that maintaining UNESCO Geopark status was a vital part of our offer but that the administration of this should be picked up as part of the wider tourism and cultural offer for Torbay to enable a more joined up and co-ordinated approach, working with our partners and the community to ensure we are making the most of Torbay and marketing our offer effectively.

- 2.5 **Establish an environmental enforcement service** – Members noted that this proposal was much wider than the previous service which focussed on litter and dog fouling. The Council would engage an external provider to issue fixed penalty notices (FPN) for ten different offences e.g. graffiti, fly-tipping, littering, abandoned vehicles, overflowing bins etc. The Assistant Director Community and Customer Services, Tara Harris, gave assurance that the market had changed since we previously provided an enforcement service and similar operations had been successful in other local authorities. Plymouth City Council had decided to bring the service back in-house despite the additional cost of employing staff compared to the lower cost of an external provider. Torbay does not have the resources to provide the service in this way which is why it was proposed for an external provider to run the service with the Council receiving a percentage of the income from each FPN, they would also have capacity to look at changing people's behaviour to help improve the cleanliness of our streets. This would not result in a loss of jobs at the Council but would enhance existing services. The Panel supported more robust action being taken in connection with fly-tipping as this is an area of concern raised by local residents.

3 Council Fit for the Future

3.1 This theme covered the following services:

- a) Regeneration and Asset Management;
- b) Business Services - Management, Support and Commissioning;
- c) Governance Support;
- d) Whole Council; and
- e) Finance.

- 3.2 **Rationalise even further the number of Council buildings and/or change their use –**
The Panel supported the rationalisation of Council buildings to ensure that we are making best use of all our assets, especially where there are opportunities to help deliver affordable housing under the new TORVISTA Homes Limited (the Housing Company). Members noted that progress on establishing the Housing Company had been slower than anticipated but progress was now being made.
- 3.3 **Undertake a redesign of how the Council operates –** This is one of the Council’s transformation projects which involves a full review of services across the whole of the Council. The Cabinet want to empower and enable communities to help deliver services for themselves, streamlining processes, standardising and sharing, making best use of IT, and providing intelligence based services for customer needs rather than historical services. This project is in its early stage with officers about to start mapping how this will work. Services such as customer services, community safety and events will be reviewed to make known savings (e.g. community safety there are some staff savings as a result of a restructure following staff retirement), this equates to efficiency savings for £246,000. The Director of Corporate Services Anne-Marie Bond advised that she was not able to confirm how and where the remaining savings will be achieved at this time and recognised that there was an element of risk in this. However, in terms of streamlining our services we need to ensure that they are fully reviewed and redesigned as a whole Council to enable a more customer-focussed approach. Members were concerned about the impact on residents of any changes and that without more detail on the remaining proposals they could be implemented without Member input and there would be no control over how the remaining £140,000 would be saved by officers and suggested that this would be regularly monitored by the Overview and Scrutiny Board to ensure Member input and scrutiny.

4. Thriving Economy

4.1 This theme covered the following services:

- a) Tor Bay Harbour Authority;
- b) Highways;
- c) Parking Services;
- d) Waste, Cleansing and Natural Environment; and
- e) Regeneration and Asset Management.

4.2 **Review of management of Beach Services –** Members felt that reducing this budget by £60,000 would have a detrimental impact on the management of our beaches. It was felt that there was a need to invest in our beaches to ensure that they offer the facilities expected by our residents and visitors, in line with the Council’s aim of

being the UK's premier tourist resort. Consideration should also be given to exploring additional income opportunities from static beach huts.

- 4.3 **Use of Capital Funding and funds from Section 106 Agreements to support essential highways repairs** – Members noted that there were certain constraints in connection with the use of money received through Section 106 Agreements and were not satisfied that the suggested proposals were achievable in light of such constraints.
- 4.4 **Increase income from Parking Services** – It was noted that the proposed increase in charges mainly related to the annual parking permit which was proposed to increase from £365 to £430. The Panel felt that this significant increase could have a detrimental impact on the parking income, especially as the previous £1 per day had been very successful and therefore could not understand the rationale for such an increase. Additional parking promotions should also be considered to help increase footfall in our town centres (such as those used to encourage Christmas shopping).
- 4.5 **Improve the provision of public toilets through the Healthmatic contract** – Concern was raised in connection with the proposed closure of Goodrington South Sands toilets and whether the remaining facilities at Goodrington Central and North would have sufficient capacity to meet demand, and the equalities impact on older people or people with a disability who would need to walk much further to use the facilities once the South Sands toilets have been closed. In respect of the potential closure of the toilets at Corbyn Head if a third party does not come forward to take them over, the Panel felt that this will have a detrimental impact on the café and beach hut users at that end of Torre Abbey Sands and negative impact on our tourist economy.

Whilst acknowledging the proposed investment already underway at Preston Central, Members were not satisfied that sufficient provision and capacity would remain at Preston Beach with the proposed closure of Preston North and South toilets.

- 4.6 **Reduction in the core fee payable to TDA and increase the rental income from the Council's corporate estate, over and above the 3% target already included within the budget** – The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long confirmed that the proposed cuts to the TDA in respect of asset management aimed to ensure that their work in connection with economic regeneration was protected as this was one of the key priorities of the Partnership. This would mean prioritisation of the work around asset management and leases, with priority given to larger leases which generate more income for the Council as opposed to smaller sports leases which take a disproportionate amount of officer time to complete. The introduction of new software would also help to streamline the management of assets. The Panel felt that these two targets contradicted each other and a reduction in resources in asset management would impact on the ability to invest officer time in generating additional income from certain assets where this could potentially be achieved.

5. Tackling Climate Change

5.1 This theme covered the following service:

a) Waste, Cleansing and Natural Environment.

5.2 **Achieving savings through the Council's own management of the services currently provided by TOR2 and Efficiency savings achieved as a result of the Council's own management of services currently provided by TOR2** – Members stressed the importance of engaging with the Ward Councillors and the community in respect of changes to parks, grass cutting and litter/park bins to enable local intelligence to inform the decision making as to where the reductions could be made without having a detrimental impact or increasing the risk of fly-tipping and littering.

In order to increase recycling rates the Council would need improved communications and education for children and residents on what can be recycled and consideration of taking enforcement action, where appropriate, to change behaviours. It was acknowledged that Ward Councillors also have a leadership role in helping to work with their communities to encourage good recycling practice to reduce the amount of residual waste sent to our energy from waste plant. This will also help to have a positive impact on climate change.

5.3 **Reduce the amount of funding for planting** – The Panel supported the use of low maintenance, annual planting, sponsorship and rewilding, where appropriate, to help reduce planting costs. Members supported the proposal to seek support from the community in respect of some of the flower beds to see if they could be managed by their local communities with Ward Councillors being consulted before any final decisions were taken on individual locations.

5.4 **Tackling climate change** – The Panel heard from Brian Payne, Chairman of the Brixham Churston, Galmpton and Broadsands Community Partnership and David Durant, Torbay Climate Action Group on their concerns in respect of the lack of pace to address the climate change emergency and implementation of a robust Climate Change Strategy. The three Neighbourhood Plans provided aspiration in respect of protecting our natural environment and green spaces and work was being carried out at a local level with the support from the community and Torbay Climate Action Group. They presented a range of statistics from the Friends of the Earth which showed that Torbay's performance was poor in respect of climate change compared to other similar local authority areas.

5.5 **Torbay Coast and Countryside Trust Management Fee** – The budget proposals included an increase of the management fee paid to the Torbay Coast and Countryside Trust (TCCT) by £20,000 which was, in part, a reversal of the decision made by the Council in February 2019 to reduce the management fee paid to the Trust. The Chairman of the Board of Trustees, Alan Tyerman made representation to

the Panel that this increase still resulted in a reduction of the overall management fee by around £22,000 and outlined the impact that this would have on their ability to manage the Council's countryside and a need to hand back some of the land to the Council. The Leader of the Council, Councillor Steve Darling, confirmed that, in light of the representations from the TCCT and with the intention that the previous decision be reversed in full this would be picked up when the Cabinet put through their final proposals resulting in no cut to the management fee for TCCT in 2020/2021.

6. Adult Services

- 6.1 Members discussed how the additional 2% adult social care precept may be spent, subject to agreement with the NHS/Integrated Care Organisation (ICO). It was intended to use the money to invest in preventative services within the community to help enable people to take control of their own lives and look after themselves. This would also build on the good practice currently being undertaken, such as the 21 community builders who were funded through Ageing Well, which would be ending next year. Pat Bishop from the Community Builders raised concern over their long term future once their funding ceases and the impact it would have on the communities if their work stopped. The Director of Adult Services, Joanne Williams, advised that she would be consulting and engaging with the community groups and NHS/ICO before bringing the final proposals through for approval as it was important that they were able to influence how the additional precept would be spent as they are best placed to know what the needs of the communities are. Members supported the concept of using the precept to invest in preventative services within the community and requested that the Overview and Scrutiny Board consider the report on the Adult Social Care Precept proposals prior to its submission to Cabinet/Council.

7. Children's Services

- 7.1 The proposed budget included additional investment of over £9.8m for the safeguarding of children (which included a one off investment of £800,000 in fostering to establish a social work academy) taking their budget to over £47m. This is on the backdrop of a history of overspending in Children's Services. The Council is working with Ofsted, the Department for Education and our improvement partners to ensure that Children's Services improves with an 'Improvement Plan' providing detailed actions to ensure that we keep children safe and achieve good outcomes for children and their families and aims to keep children within their communities. A detailed paper was circulated prior to the meeting which outlined the Children's Services Transformation project – ensuring resource sufficiency, this focussed around the five themes which would help provide the best outcomes for children and improve the overall Ofsted rating of our Children's Services (namely: edge of care; fostering; residential placements; permanence; and recruitment and retention). Members acknowledged the measures that had been put in place and

progress being made by Children's Services and were satisfied that there was now a clear 'vision' and direction of travel with the child being at the centre of the service and supported the proposals put forward in respect of the investment in the service for 2020/2021.

8. Recommendations

- 8.1 That the Panel recognised the hard work and commitment of Children's Services and recommended that the Cabinet ensure that a strong focus is kept on staff recruitment and retention to reduce agency costs and ensure appropriate placements for children in care.
- 8.2 That the Cabinet be recommended to consider revisiting the proposal to use Section 106 Agreement income to fund essential highways to ensure that the Council has full regard to any specific requirements on individual Section 106 Agreements.
- 8.3 That Cabinet reconsiders the amount of increase for the annual parking permits in light of the successful take up of the £365 per year £1 a day permits.
- 8.4 That it is unrealistic to expect to receive the anticipated increase in revenue for assets above 3% proposed in light of the proposed reduction in the annual management fee and the capacity of the TDA to deliver the savings and additional income and the Cabinet be recommended to review this proposal.
- 8.5 That the Cabinet be recommended to review its proposals in connection with beach huts, charging for toilets in beach locations and parking charges as this will have a significant impact on existing revenue for beaches, parking and beach huts and does not support the vision for Torbay to be the UK's premier resort.
- 8.6 That the Cabinet be requested to ensure that toilet provision is maintained at Goodrington South Sands, Preston North and South and Corbyn Head.
- 8.7 That the Cabinet be recommended to use a programme of promotion and education to increase our recycling rates in the Bay and review the effectiveness of this prior to considering implementing any changes to the fortnightly residual waste collections.
- 8.8 That the Cabinet be advised that the community has a desire for greater pace to tackle climate change working with the Council and community, which has not adequately been addressed through the budget proposals and that more work should be done with the community to develop and communicate the Council's policy on climate change.
- 8.9 That the Cabinet reconsiders its proposal in respect of the timescales for establishing a Trust for the UNESCO Geopark in light of concerns over the deliverability of the savings in 2020/2021 highlighted by the Panel.



Meeting: Cabinet

Date: 4 February 2020

Wards Affected: All

Report Title: Crowdfunding Torbay

Is the decision a key decision? No

When does the decision need to be implemented? 14 February 2020

Executive Lead Contact Details: Cllr Jackie Stockman, Cabinet Member for Adults and Public Health, Jackie.Stockman@torbay.gov.uk

Supporting Officer Contact Details: Bruce Bell, Consultant in Public Health, x7315, bruce.bell@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Torbay Council's new administration is committed to greater engagement of, and involvement with communities. With a backdrop of an increasingly challenging financial position, crowdfunding provides the Council with a unique and exciting opportunity to invest in new projects that are citizen-led and garner support from the community according to the value that they perceive the project to have.
- 1.2 This approach can maximise the impact of the community as [1] those that get supported are those that Torbay's residents themselves deem to be most important; [2] there is transparency in the decision-making as local people are able to see the link between the Council's contributions and actual improvements happening in communities themselves; [3] by generating significant match funding by the 'crowd' Torbay Council would be able to optimise its finances for the benefit of communities.
- 1.3 Neighbouring councils have found that the use of a digital crowdfunding platform has increased the visibility and success of projects that receive funding and has engaged thousands of residents in projects. In addition, due to the huge publicity generated through social media and networks needed by projects to realise funding targets, the local authorities have received positive publicity for its match-funding role.
- 1.4 An opportunity has arisen whereby Torbay Council has joined the remainder of a 2-year Devon Crowdfund pilot (until 30/04/2020) run by Devon County Council (DCC) and Devon & Cornwall Constabulary (DCCo). This affords Torbay Council the opportunity to pilot a crowdfunding approach in a cost-effective way. The Council is able to benefit from the structural and foundation work of the crowdfunding site that is already established; and sharing costs of using the crowdfunding site with DCC and DCCo.

1.5 This report sets out the criteria for Crowdfunding Torbay and the associated decision making process.

2. Reason for Proposal

2.1 Crowdfunding is a way of raising money for an initiative or venture by getting contributions from a large and potentially diverse pool of people, who often contribute relatively small sums of money. This is primarily, but not exclusively, done online through social media and crowdfunding platforms. This provides greater reach than would otherwise be possible. While this model of fundraising has been commonly used for funding commercial projects and products, more recently it is being used by an increasing number of local authorities as a way of financing community initiatives.

2.2 A number of local authorities across Devon as well as DCCo have been piloting the crowdfunding approach since 2018, with Plymouth City Council having a longer history in this area. The aim of this approach is to support local projects that make communities stronger, more connected and more empowered by supporting those projects that matter to them.

2.3 Some of the key benefits that have been observed from the adoption of the crowdfunding approach across Devon have been:

- That it stretches public sector funding further than would otherwise have been the case:
 - There has been significant amplification of public sector funding e.g. for every £1 that the public sector bodies pledged in Plymouth, £2.54 was pledged by the crowd. For the public sector pledge of c£200,000, the matching pledge for a crowd of over 3,500 supporters was c£520,000.
 - External investment is substantial. Crowdfund Plymouth found that more than 50% of the pledgers came from outside Plymouth.
- Transparency and pace: Public body match funding has been found to accelerate funding pledges from the crowd. DCC have noted an exponential increase in pledges from supporters once the Council pledged money. Such that the typical project realises full funding 2-4 weeks from going live on the crowdfunding site.
- Added value from the crowdfunding approach:
 - 85% of projects have also received non-financial contributions 'in kind' in addition to the funding raised.
 - There has been awareness raising of the initiative or group amongst supporters that would not have otherwise been possible.
 - A significant proportion of groups had previously been unknown to partners, with 42% of prospective groups seeking investment had never applied for funding from partners previously.
 - The approach is a mechanism that will bring the public and voluntary sectors together in joint initiatives which helps develop partnerships.
 - Plymouth and Devon authorities have found that this approach generates positive messaging about the council as a result of the intense social

media promotion required by projects in generating sufficient finance from the crowd.

3. Recommendation(s) / Proposed Decision

- 3.1 That Crowdfunding Torbay be approved as per the details in Appendix 1 to this report.

Section 1: Background Information

1. What is the proposal / issue?

An opportunity has arisen whereby Torbay Council has joined the remainder of a 2-year Devon Crowdfund pilot (until 3/04/2020) run by Devon County Council (DCC) and Devon & Cornwall Constabulary (DCCo). This affords Torbay Council the opportunity to pilot a crowdfunding approach in a cost-effective way. The Council is able to benefit from the structural and foundation work of the crowdfunding site that is already established; and sharing costs of using the crowdfunding site with DCC and DCCo.

The mechanism through which the Council will determine whether to support Crowdfund Torbay projects is set out in Appendix 1.

The key principles which underpin the Crowdfunding Torbay model are:

- The aims and criteria for pledging Torbay Council monies will be informed by, and in accordance with, the aims and objectives of the Council's Community and Corporate Plan.
- Funds provided by Torbay Council are up to 50% of the required amount (to take the total pledges to 73% of the project target) with a ceiling value of £5000.
- The distribution of funds being as transparent and risk adverse as possible.
- A requirement for Council funding will be the provision of progress reports from the beneficiary project to provide clarity on outcomes achieved.
- The decision-making process being as streamlined as possible, placing minimal administrative burden on officers whilst ensuring councillors and the community are involved.

The intended outcomes of piloting the crowdfunding approach will be:

- Evaluation of the benefits, issues and value of crowdfunding as a method of developing and supporting community-led initiatives.
- Improved engagement with communities and support of projects that matter to the community.
- Maximising Torbay Council budgetary support for communities through match funding.
- Greater transparency in Torbay Council support for community-led projects.

2. What is the current situation?

There is currently a budget of £50,000 for Community Engagement. The proposals in this report would provide a mechanism for distributing that money to the community for initiatives which the community would determine were important to them.

<p>3.</p>	<p>What options have been considered?</p> <p>A steering group of officers and cabinet members have considered a range of options – including setting up a separate Crowdfund Torbay platform (rather than joining the existing Devon County Council platform), the criteria by which funds will be allocated and the terms and conditions of the grants.</p> <p>This report sets out the recommended approach.</p>
<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Torbay Council’s new administration is committed to greater engagement of, and involvement with communities. With a backdrop of an increasingly challenging financial position, crowdfunding provides the Council with a unique and exciting opportunity to invest in new projects that are citizen-led and garner support from the community according to the value that they perceive the project to have.</p> <p>The criteria to assess projects against takes account of the visions within the emerging Community and Corporate Plan.</p>
<p>5.</p>	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>The proposed criteria have been informed by Children’s Services and have been developed to be inclusive of projects that will benefit children and positively impact on their outcomes. In addition, there are opportunities within the contract to purchase additional packages of intervention to incentivise particular types of projects or provide bespoke support if required.</p>
<p>6.</p>	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>The proposed criteria have been developed to be support projects that will tackle issues of deprivation and inequalities. There are opportunities within the contract to purchase additional packages of intervention to incentivise particular types of projects or provide bespoke support if required.</p>
<p>7.</p>	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The proposed criteria have been developed to be inclusive of projects that will benefit people with learning disabilities, autism and those living with mental health issues. In addition, there are opportunities within the contract to purchase additional packages of intervention to incentivise particular types of projects or provide bespoke support if required.</p>

8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>It is not proposed to consult on this decision. However, the operation of Crowdfund Torbay will be reviewed and feedback sought. This project will be run as a pilot in the first instance.</p>
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Section 2: Implications and Impact Assessment	
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9.	<p>What are the financial and legal implications?</p> <p>It is recommended that this pilot is funded from the Community Engagement budget in 2019/2020. The current available budget will be up to £50,000 (in totality, not per submission). The</p> <p>The terms and conditions of Crowdfunding Torbay are included in Appendix 1.</p>
10.	<p>What are the risks?</p> <p>There are minimal risks associated with the proposal. Governance arrangements are included in Appendix 1 which show how decisions will be reached, the criteria which will be used to assess projects and the monitoring that will take place once projects are funded.</p> <p>While there are potential benefits, there are also limitations, which mean that crowdfunding should not be viewed as a single approach</p> <ul style="list-style-type: none"> • While crowdfunding is potentially effective in fundraising for a one-off cost, it is unlikely to be effective in generating year-on-year sustainable income for a community group. • There will be a ceiling in the amount that can realistically be raised from crowdfunding. • The more unpopular the theme of project with the wider public, the less likely it will be that the funding target is achieved.
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Views have been sought from other Devon authorities and from Crowdfund on how the Crowdfund Torbay scheme would operate. These have been taken into account in drawing up the proposals in Appendix 1.</p>

13.	What are key findings from the consultation you have carried out? Not applicable.
14.	Amendments to Proposal / Mitigating Actions Not applicable

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	People with caring Responsibilities	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	People with a disability	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	Women or men	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	Religion or belief (including lack of belief)	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	People who are lesbian, gay or bisexual	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		

	People who are transgendered	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	People who are in a marriage or civil partnership	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	Women who are pregnant / on maternity leave	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	It is hoped that the projects funded through Crowdfund Torbay have a positive impact.		
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Crowdfund Torbay is one element of the new approach to community engagement and empowerment.		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Crowdfund Torbay will run alongside other Crowdfund initiatives including one run by Devon and Cornwall Constabulary.		

Crowdfunding Torbay

Funding to meet local needs – owned by local people

How decisions on funding applications are made

Introduction

Crowdfunding Torbay is one way in which Torbay Council can support and grow local projects. Crowdfunding is a way for us to fund the development and delivery of projects within Torquay, Paignton and Brixham that will benefit local residents.

We have made available £10,000 for Crowdfund projects, which meet its criteria (set out below).

Application Process

We will make a pledge to fund community projects once at least 25% of the funding total has been raised by a crowd of at least five people or organisations. We may add up to an additional 50% (up to a maximum of £5000) of funding to take the project to 75% of its funding total or more.

We may also fund projects that have not met their 25% funding target in exceptional circumstance and reserve the right to do so.

Projects will then continue to raise the remainder of the funds needed from the Crowdfunder campaign.

What Torbay Council will pledge on (our criteria):

We will make pledges towards the development and delivery of projects within Torbay that will benefit local residents, of any age and from any community where they:

- Improve the mental health and wellbeing of people of any age
- Reduce social isolation of people of any age
- Increase physical activity levels and/or promote a healthy diet.
- Help people in their recovery from substance misuse problems
- Improve the lives of children and young people.
- Support the integrated health and social care model for Torbay.
- Help to reduce inequalities between different communities
- Improve or enhance the local environment to make people feel safer
- Increase cultural opportunities
- Support local infrastructure projects
- Have a demonstrable benefit in addressing the Climate Change Emergency
- Link to services that we as a council deliver and the outcomes that we are seeking to achieve

We seek to distribute funding in an even-handed way across Torbay and reserve the right not to make a funding pledge to a particular project. We have a limited fund from which to make pledges from and this will be allocated on a case-by-case basis. Once the fund runs out, we will not be able to fund subsequent projects.

What Torbay Council will not fund

- Retrospective projects (i.e. projects where work has started before we have received the signed grant offer letter)
- Unsustainable projects (e.g. projects that need to continue beyond the life of the funding but are unlikely to be able to do so)
- Projects working with vulnerable people where there is no Safeguarding Policy and/or appropriately trained staff/volunteers
- Projects where planning permission is required but has not yet been given
- Funds that are required to help pay off debts
- Activities we deem to promote or be linked to religious or political ideologies or beliefs. This does not preclude applications from religious or political groups, only the overt promotion of an ideology.
- Projects where the sole/majority of beneficiaries are animals
- Projects that directly benefit individuals or for profit organisations
- Projects that have a negative effect on one or more of the priorities listed in our Community and Corporate Plan
- Projects that are deemed by Torbay Council to be unethical
- Individuals, groups or organisations who are a debtor to the council
- Any ongoing maintenance or costs to sustain crowd funded projects are the liability of the applicant. The Council is unable to support ongoing costs after the award has been made

Determining whether Torbay Council will make a pledge

Any project which:

- reaches at least 25% of its fund target; and
- has pledges from at least five individuals; and
- meets the criteria for funding

will be passed to the Director of Corporate Services for consideration.

Before making a decision, the Director of Corporate Services will seek the views of the relevant Cabinet Member, Ward Councillors (if the project is ward specific) and Chairman of Healthwatch Torbay. Those consultees will be required to respond within three working days as to any reasons “why not to give money”.

When making the decision to make a pledge, the Director of Corporate Services will take into account the criteria for the fund and any views received from the consultees. Supporting papers and decisions will be recorded so as to be available for audit and transparency purposes. The Chief Executive or Head of Finance will determine applications if the Director of Corporate Services is unavailable or unable to act due to any conflict of interest.

Data Protection and access to information

Torbay Council will have access to the information held on the Crowdfunding site but will only use the information for the purpose of determining whether a pledge will be made by the council.

Applicants must also be aware that any application received by the council is subject to the provisions of the Freedom of Information Act and therefore information submitted to the council along with any decision may be made public.

Terms and Conditions

1. To provide Torbay Council with an evaluation of how the funding has benefitted the organisation/local community, and acknowledge and understand that approval of any grant relating to this application does not commit the Council to ongoing future funding.
2. Projects where at least 80% of the benefits are to communities and people within Torbay.
3. Only projects registered on Crowdfund Devon as 'all or nothing' schemes are eligible for consideration of funding. Monies pledged will only be released if the full fundraising target is reached by the project, and only once the Torbay Council terms and conditions (T&Cs) applying have been accepted in writing.
4. Any Value Added Tax (VAT) payable by your organisation is your responsibility and Torbay Council shall not be liable to pay any additional amount.
5. All projects who receive match funding agree to provide the following within two months of project completion, and then again later on if requested:
 - Photographs of the project in action.
 - Copies of invoices and receipts.
 - A one page evaluation summary. To include:
 - A statement of the impact of the project.
 - At least one case study.
 - Feedback from at least one beneficiary of the project.
6. Torbay Council will not offer funding for:
 - Retrospective projects i.e. projects where work has started before we have received the signed grant offer letter.
 - Unsustainable projects. For example, projects that need to continue beyond the life of the funding but are unlikely to be able to do so.
 - Projects working with vulnerable people where there is no Safeguarding Policy and / or appropriately trained staff / volunteers.
 - Projects where planning permission is required but has not yet been given.
 - Funds that are required to help pay off debts.
 - Activities we deem to promote or be linked to religious or political ideologies or beliefs. This does not preclude applications from religious or political groups, only the overt promotion of an ideology.
 - Support projects where the sole/majority of beneficiaries are animals.
 - Projects that directly benefit individuals or for profit organisations.

- Projects that have a negative effect on one or more of the priorities listed in Torbay Council's Corporate Plan.
 - Projects that are deemed by Torbay Council to be unethical.
 - Individuals, groups or organisations who are a debtor to Torbay Council.
7. Repayment of the fund can be required at the sole discretion of Torbay Council if you supply false information, fail to spend the money in the allotted time period, your organisation becomes insolvent or there are any other breaches of the conditions or eligibility criteria.
 8. Torbay Council will be acknowledged in all printed materials that the organisation produces about your project, and acknowledged appropriately elsewhere, for example in annual reports or brochures and may use your name in any publicity material.
 9. Depending on the nature of the project and the information given we may request additional information and assurances; requiring additional terms and conditions to apply, and will require in writing acceptance of any additional terms and conditions before agreeing to provide a grant.
 10. Our fund is limited and will be allocated on a case-by-case basis. Once it runs out we will not be able to fund subsequent projects.
 11. A minimum of 5 external pledges from the crowd should be received prior to Torbay Council's pledge.



Meeting: Cabinet

Date: 4 February 2020

Wards Affected: All

Report Title: Refreshed Visual Identity

Is the decision a key decision? No

When does the decision need to be implemented? 1 March 2020

Cabinet Member Contact Details: Councillor Christine Carter, Cabinet Member for Corporate and Community Services, christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Kate Spencer, Head of Policy, Performance and Community Engagement, 01803 207014, kate.spencer@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Torbay Council's "brand" is made up of a number of elements including our objectives and our values. The Council's visual identity forms part of that brand. It is made up of our logo and the colours and fonts that we use as well as the icons, illustrations and photography which we choose.
- 1.2 The current logo is 21 years old and no longer fit for purpose in the digital age. A new visual identity is proposed which takes into consideration legibility, longevity and flexibility.

2. Reason for Proposal and associated financial commitments

- 2.1 The refreshed visual identity is being proposed in order that all of our visual communications are clear and straightforward. This will mean that we meet our accessibility requirements – both digitally and in print. We will ensure that our visual language mirrors our tone of voice – professional, approachable, honest and helpful. We will present ourselves as one organisation – Torbay Council – with the aim of put our customers first, considering the most appropriate communication channel and message when determining the design approach.
- 2.2 The proposals contained in this report will commit the Council financially in respect of:
 - Limited financial commitments in the short term when the new identity will be used on digital materials only
 - In the longer term, the new identity will be rolled out when items such as signage, livery and uniforms are ordinarily renewed.

3. Recommendation(s) / Proposed Decision

That Torbay Council's refreshed visual identity be rolled out from 1 March 2020 with the aim of only updating physical infrastructure (e.g. signage, vehicle livery and uniforms) as it reaches its usual replacement schedule.

Appendices

Appendix 1: Refreshed visual identity

Background Documents

None.

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The Council's visual identity is being refreshed to ensure that we have a consistent and coherent visual language moving forward.</p> <p>The refreshed visual identity consists of:</p> <ul style="list-style-type: none">• A wordmark in place of the current logo• Updated typeface• A new palette of colours for corporate communications• The use of photography which:<ul style="list-style-type: none">○ adds value to the materials it is used on○ is realistic, current and relevant to the local area○ reflects the council's core values and corporate visions○ is positive - showing the solution rather than the problem• The use of two illustration styles which will create consistency across Council departments <p>The key elements of the Council's refreshed visual identity are set out in Appendix 1.</p>
2.	<p>What is the current situation?</p> <p>The current logo is 21 years old and no longer fit for purpose in the digital age. A new visual identity is proposed which takes into consideration legibility, longevity and flexibility.</p>
3.	<p>What options have been considered?</p> <p>The development of the new visual identity has taken account of the ways in which the Council communicates as a modern organisation:</p> <ul style="list-style-type: none">• The colour palette has been updated to meet current web accessibility requirements. This provides vibrant, optimistic accent colours to balance the more formal dark blue.• The font has been updated to make it easier to read• Within the updated logo/wordmark, the text is all the same size. This means it can be used successfully at a small scale, in single and full colour, on digital and printed media, website and alongside partner logos• The typeface is timeless with no additional graphics which may become dated.• The proposed visual identity can be used in a number of options, including as an icon on social media. <p>In many cases, the refreshed visual identity is building on the communication work that is already underway across departments.</p>

<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>The new colour palette will be used to highlight each vision, providing a direct link back to the Corporate Plan and reinforcing delivery of each project. This will help to reduce departmental silos, with messaging framed around actions, rather than teams.</p> <p>The softer colours, shapes, illustrations and photographs tie into the Council’s wish to engage with its communities differently and to ensuring that our message is put across to partners and Government in a cohesive, positive light.</p>
<p>5.</p>	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>It does not directly contribute to the Council’s responsibilities as corporate parents.</p>
<p>6.</p>	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>It does not directly contribute to tackling poverty, deprivation and vulnerability.</p>
<p>7.</p>	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>In preparing communication material, consideration will also be given to ensuring those with learning disabilities are able to access the information.</p>
<p>8.</p>	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>It is not proposed to consult with the community on this proposal. Members of the Cabinet and SLT have been consulted as the new visual identity has been developed.</p> <p>The aim of the Council’s communication is to engage with the community and the choice of font, colours, illustrations and photography is aimed at encouraging more engagement and celebrating Torbay.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? The new logo will be Trademarked. There are minimal financial implications as it is proposed that the new logo is rolled out as signage, livery and uniforms are renewed. The majority of council documents are now only available online and therefore documents will be prepared using the new identity from 1 March 2020.
10.	What are the risks? There is a risk that the change of visual identity is seen as wasteful. However, in the majority of cases, the new identity will be used online with no cost. The rollout on physical items will only take place when those items would normally be due for renewal.
11.	Public Services Value (Social Value) Act 2012 Not applicable.
12.	What evidence / data / research have you gathered in relation to this proposal? Not applicable.
13.	What are key findings from the consultation you have carried out? Not applicable.
14.	Amendments to Proposal / Mitigating Actions Not applicable.

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There will be a neutral impact from refreshing the Council's visual identity.
	People with caring Responsibilities			There will be a neutral impact from refreshing the Council's visual identity.
	People with a disability			There will be a neutral impact from refreshing the Council's visual identity.
	Women or men			There will be a neutral impact from refreshing the Council's visual identity.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There will be a neutral impact from refreshing the Council's visual identity.
	Religion or belief (including lack of belief)			There will be a neutral impact from refreshing the Council's visual identity.
	People who are lesbian, gay or bisexual			There will be a neutral impact from refreshing the Council's visual identity.
	People who are transgendered			There will be a neutral impact from refreshing the Council's visual identity.

	People who are in a marriage or civil partnership			There will be a neutral impact from refreshing the Council's visual identity.
	Women who are pregnant / on maternity leave			There will be a neutral impact from refreshing the Council's visual identity.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There will be a neutral impact from refreshing the Council's visual identity.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There will be a neutral impact from refreshing the Council's visual identity.
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	There are no cumulative impacts.		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	There are no cumulative impacts.		

Primary logos



Single line 'Torbay Council' - to be used when the primary purpose is ownership/involvement (for example signage, uniforms, policy documents etc).



Single line 'torbay.gov.uk' - to be used when the primary purpose is to direct viewers to website. This version is used on all digital materials.

Colour variations



Colour version - for use on white backgrounds only



Black version - for use on light coloured/ photographic backgrounds



Reversed colour version - for use on PMS 294 only



White version - for use on dark coloured/ photographic backgrounds

Alternative layout



Two line 'Torbay Council' - to be used when a more rectangular shape is needed (eg alongside other partner logos, on uniforms, or when the single line version would appear too small)

Endorsement logo



Colours



Illustration



Style 1: People illustrations



Style 2: Outline style illustrations



Meeting: Cabinet

Date: 4th February 2020

Wards Affected: All Wards

Report Title: Budget Monitoring 2019/20 – Quarter Three

Is the decision a key decision? No

When does the decision need to be implemented? n/a

Cabinet Lead Contact Details: Darren Cowell, Cabinet Member for Finance
Darren.cowell@torbay.gov.uk

Supporting Officer Contact Details: Sean Cremer, Deputy Head of Finance
Sean.Cremer@Torbay.gov.uk 01803 20 7553

1. Purpose and Introduction

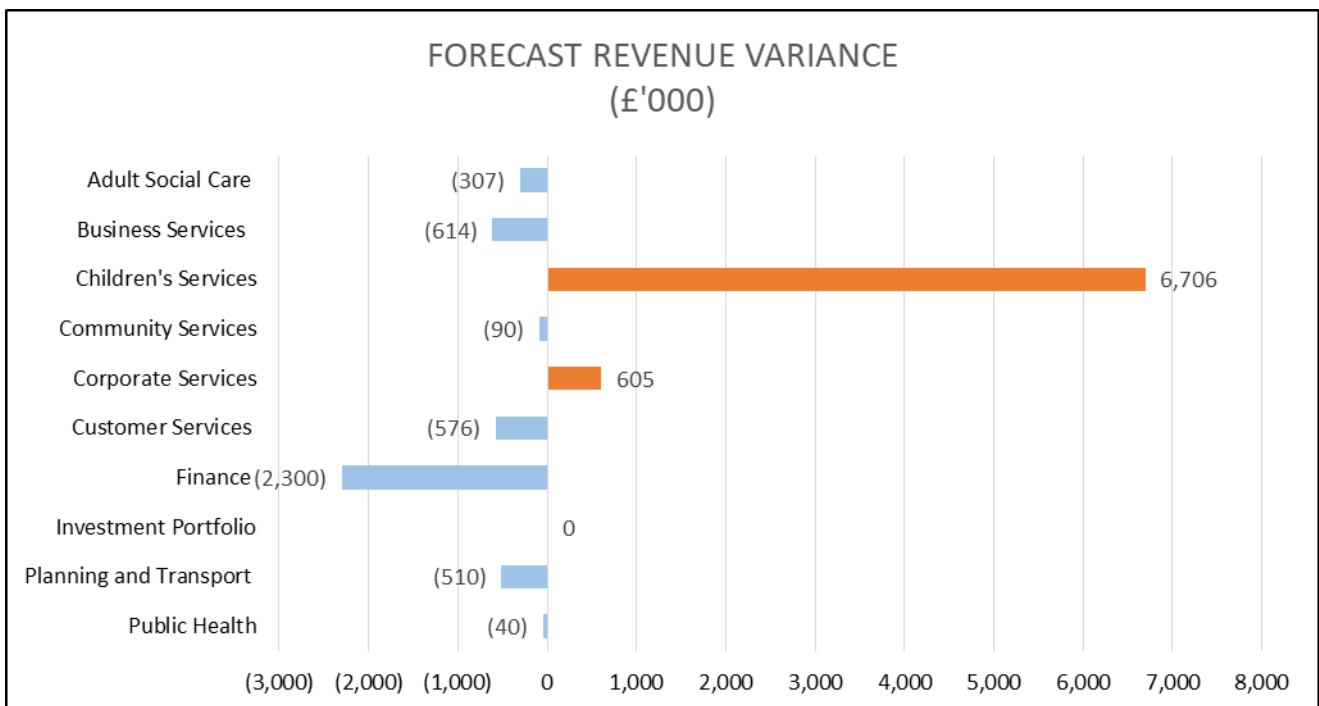
- 1.1. This report provides a high level budget summary of the Council's forecasted revenue and capital income and expenditure for the financial year 2019/20. This report is based on figures as at the end of Quarter 3, 31st December 2019.
- 1.2. The Council's **Revenue** budget remains under significant pressure. The Council is forecasting an overspend on its service expenditure at Quarter 3 of £2.87m. However this does represent an improvement of £0.91m compared with Quarter 2 report.
- 1.3. This improved position reflects the continued work of Council officers to identify in year savings to mitigate overspends within Children's Services and Corporate Services. As a result of the improved financial position the use of previously identified one off funding and use of reserves has been reduced.
- 1.4. Children's Social Care remains the main source of financial pressure, forecasting an overspend at Quarter 3 of £6.7m.
- 1.5. The Capital Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached at Appendix 1. The Plan now totals £394m over the 4 year period of which £125.4m relates to 2019/20 and £143m relates to 2020/21.

2. Recommendation (s) / Proposed Decision

- 2.1. That the Cabinet notes the report and any recommendations from Overview & Scrutiny Board regarding the latest position for the Council's revenue outturn position and mitigating action identified.
- 2.2. That the Cabinet notes the report and any recommendations from Overview & Scrutiny Board regarding the latest position for the Council's Capital expenditure and funding for 2019/20.

3. 2019/ 2020 Revenue Budget Summary Position

- 3.1. The below graph shows a visual breakdown, highlighting budget variance for each service,



Children's Social Care

- 3.2. The current forecast of £6.7m overspend represents an increase of £0.4m since Quarter 2. Whilst there hasn't been an improved financial position, there are green shoots of change as the raft of work undertaken seems to have stabilised the financial position when compared with the historic trends.
- 3.3. The main pressure area is Looked After Children (LAC). The overall LAC numbers remain between 355 – 360. Compared with Quarter 2 there have been some improvements in the mix of placements. In house foster placements have increased by 8 (118 to 126) and there has been a reduction to Residential Placements of 5 (44 to 39).

- 3.4. Work continues within the service to ensure that each child has a clear plan ensuring their needs and outcomes are being met in the most appropriate setting and wherever possible, that these are met in a family based setting.
- 3.5. Whilst there is an improvement to the number of residential placements these high cost placements remain a significant risk as any increase to the numbers of residential placements causes significant financial pressures. The current average placement cost per week is £4,700 which equates to an average annual cost of £245k per placement.
- 3.6. The figures in this report factor in individual plans for the children who are currently looked after. Increases to placement numbers without a reduced demand elsewhere would further increase the service overspend as would any extensions of placements where there are planned end dates.
- 3.7. Additional corporate resources and support continues to be available to support the senior leadership team of Children's Social Care. This includes weekly meetings chaired by the Chief Financial Officer with the Chief Executive, Director for Children's Services and Director of Corporate Services and Deputy Head of Finance. These meetings are focused on the financial recovery plan of the service. This recovery will be underpinned by the implementation of best practice across all aspects of operational service delivery.
- 3.8. As set out in the Draft 2020/21 budget papers there is a recommendation for Children's Services to receive a "real terms increase in budget for that service of over £9.8m to a total of £46.5m". This increase reflects the current level of demand and cost pressures faced as well as providing a significant investment in service capacity.

Higher Needs Block – Special Education Needs

- 3.9. The schools' higher needs block in the Dedicated Schools Grant (DSG) has been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children. For 2019/20 there is a forecast in-year overspend of £1.021m, after the one off £1.4m "disapplication" transfer of funds between the funding blocks in the DSG. The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded in future years and is not a cost that the Council will fund. The cumulative deficit balance brought forward from 2018/19 was £2.7m. As a result the DSG reserve is forecast to be a £3.7m deficit by the end of 2019/20.
- 3.10. The Spending Round announced in September allocated £700m nationally to support Special Education needs. Torbay's allocation for 2020/21 is £1.5m which, although welcomed is not sufficient to meet the level of demand faced by the Higher Needs Block.
- 3.11. Representatives from the School Forum are meeting in March 2020 with the Education & Skills Funding Agency (ESFA) to discuss the proposed financial recovery plan that was submitted to the ESFA earlier in the 2019/20 financial year.

£300m Investment fund

- 3.12. Investment Fund has spent £155m in previous years, and has £80m profiled for spend this year. Further detail is available in Appendix 1.
- 3.13. The TDA are actively identifying investment opportunities on behalf of the council. These opportunities will be presented to Cabinet for a decision as to whether or not to progress if and when they are identified as viable investments. The final purchases are subject to due diligence checks, including independent valuations. The Council approved investment boundary is the Greater South West peninsula and the Functional Economic Market Area (FEMA).

Economic Growth Fund

- 3.14. At Cabinet on 1st October 2019 the criteria for use of the Economic Growth Fund was approved. Approval of projects brought forward has been delegated to Cabinet.
- 3.15. The Fund, combined with the previous Town Centre Regeneration approval of £25m, gives a total budget of £125m. Further detail of current projects is available in Appendix 2.

4. Service Budgets

4.1. The budget position for each service is shown in the table below:

Torbay Council Revenue Q3 2019/20	Budget £000s	Forecast £000's	Variance £000's	Variance reported at Q2 £000's	Movement £000's
1. Adult Social Care	38,103	37,796	(307)	(200)	(107)
2. Business Services	13,523	12,909	(614)	(255)	(359)
3. Children's Services	36,159	42,865	6,706	6,331	375
4. Community Services	1,824	1,734	(90)	(180)	90
5. Corporate Services	5,227	5,832	605	551	54
6. Customer Services	2,830	2,254	(576)	(455)	(121)
7. Finance	866	(1,434)	(2,300)	(1,706)	(594)
8. Investment Portfolio	(4,135)	(4,135)	0	(0)	0
9. Planning and Transport	7,282	6,772	(510)	(256)	(254)
10. Public Health	9,689	9,649	(40)	(40)	0
Revenue total	111,368	114,242	2,874	3,790	(916)

Mitigating Actions	£'000
11. Use of Reserves	(2,874)
Net Overspend / (underspend)	0

Please note the table above shows figures rounded to the nearest £1,000 and now only shows the service budgets “above the line” expenditure which is a change from the previous reports brought to this committee. The impact of this is the Budget and Forecast figures are adjusted to remove internal recharges. The revenue total and variances are **unaffected** by this change in format.

4.1 A narrative of the position in each service area is as follows;

1. Adult Social Care - Underspend £307k

The majority of this budget is spent against a fixed, £40m contract with the ICO. Within the remaining discretionary budgets there are a number of identified contractual savings which have been offered to mitigate the in-year financial position for the Council.

2. Business Services – Underspend £614k

The forecast for Business Services has continued to improve.

Overall car parking income is forecasting a surplus of £260k. This represents improved income related to on street parking and enforcement activities, offset in part by a shortfall of £50k associated with off street. This position is significantly improved since Quarter 1 and reflects the Summer income and full year effect of the new annual tariff.

There are also savings from Waste collection and disposal, amounting to £380k as a result of reduced household waste being sent to the Energy from Waste plant. There are a range of other savings and efficiencies identified across Business Services including the cessation of non-essential spend.

3. Children's Services – Overspend £6.706m

There is a forecast overspend of £6.1m associated with placements. At the end of December, there were 42 vacant posts within the Children's Safeguarding service which resulted in use of agency staff. As a result the total spend on agency and temporary staff is forecast to be £4.0m. These figures include additional temporary staff used to provide additional senior capacity in order to support the service to address the outcome of Ofsted inspection in October 2019. This additional capacity to delivering improvement work will also contribute to the service's financial recovery, however there are no "quick wins" anticipated, savings are expected over the medium term.

4. Community Services – Underspend £90k

Housing services is forecast to be fully spent and any underspends on the Flexible Homeless Support grant will be carried forward in order to contribute to the costs of temporary accommodation and Housing Options. There are savings anticipated within Community protection due to vacancies across the service.

5. Corporate Services – Overspend £605k

Legal services are also making use of Agency staff, with a forecast spend of £247k. These staff required so that the service is able to meet the caseload requirements of the organisation, namely Children's and Adult Social work. As a result of the merging of Coroners districts Torbay's Coroner service is provided by Plymouth City Council. This service is more expensive and as a result there is an £83k overspend. In line with the corporate position, all non-essential spend has been ceased.

Within Corporate Services there are shortfalls of income in a number of areas. The Print & Post service has a shortfall of £250k. In order to address the future sustainability of this service there is a tender opportunity currently advertised seeking a delivery partner. There is also a shortfall of £80k on income targets associated with work of the transformation team and £30k on legal work.

6. Customer Services – Underspend £576k

Revenues and Benefits have a number of staff vacancies and have received one-off funding resulting in an underspend of £268k. Within IT there is a forecast underspend of £276k brought about by revised recruitment and spending plans this year and further savings identified with software licenses.

7. Finance – Underspend £2.3m

A number of “corporate” budget changes are being reported under the Finance service, these include;

- £550k was transferred to the Comprehensive Spending Review Reserve in order to be released in 2019/20 for issues in Children’s Social care
- £900k of a saving associated with Treasury Management activities and effective capital management resulting in savings on interest.
- £350k of additional monies from the Devon wide business rates retention pool
- £300k set aside during the 2019/20 budget process has been released to be used to fund known pressures

8. Investment Properties – Breakeven £0k

Overall Investment properties is forecast to meet its income target.

9. Planning & Transport – Underspend £510k

A reduced contribution for concessionary fares of £330k has been achieved. Due to the increased level of capital work delivered and therefore increased recharges to capital there is a saving of £140k within Highways.

10. Public Health – Underspend £40k

No material variances

5 Mitigating actions

- 5.1. The projected overspend within revenue **before** the application of all mitigating actions is £2.87m. As a result of the increased cost pressures from Children’s Service all the previously identified mitigating actions have been required in order to stabilise the financial position. As a result the Council’s S151 officer has identified further mitigating actions in order to deliver a balanced budget, however these options predominantly rely upon use of reserves, namely.
- 5.2. Item 11 Use of reserves – £2.874m
In order to fund the net in year projected overspend a number of service reserves will be applied or drawn down in year.
- 5.3. This does not require use of the General Fund reserve which stands at £4.6m. As a result of the improved financial position there is reduced use of CSR Reserve anticipated. The CSR Reserve is forecast to be £1.7m at the end of the year. This is below the target level of £2m. Should the financial position continue to improve in the final quarter of the year, these one off funding items will be returned to reserves.

- 5.4. In respect of the moratorium on non-essential spend, in keeping with last financial year the Chief Finance Officer has arranged additional scrutiny in order to monitor and challenge all orders and contracts placed by officers across the Council.

6. Medium Term Resource Plan

- 6.1. As detailed in section 3 & 4, the revenue position is currently being contained through increased use of reserves. The total identified use of reserves to support the overspend is £2.9m.
- 6.2. Whilst this is possible within this financial year it leaves the Council below the target minimum level on its CSR Reserve, and therefore reduces options to address any unexpected cost pressures in future years.
- 6.3. As part of the budget process a Review of Reserves document will provide Members with the S151 Officer's proposed strategy regarding reserves. This document will provide details of how any remaining reserves will be allocated next year, and also outline the medium term plans which will be needed in order to rebuild the reserves that will have been depleted this financial year.
- 6.4. A robust medium term resource plan is crucial to ensuring the future funding gaps for 2021/ 22 and 2023/ 24 are addressed. The critical need for this plan is compounded by the risks associated with the Fair Funding Formula which is not anticipated to provide any respite in addressing Torbay's financial pressure. In September 2019 MHCLG announced the deferral to 2021/22 of the proposed changes to the NNDR retention system and funding formula.
- 6.5. Central Government are scheduled to finalise the 2020/21 Local Government Funding Settlement in late February 2020.

7. Risks & Sensitivity

7.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Fair Funding Formula	High	Development of a robust MTRP to address the expected impact on Torbay's funding.
Identification, and achievement, of £18m of savings for 2021/22 to 2023/24 per Medium Term Resource Plan March 2019	High	Finance colleagues are working with the transformation team coordinate the implementation of potential transformation savings. Senior Leadership Team and Cabinet will need to consider options for future years.
Delivery of Children's Services cost reduction plan	High	Weekly meetings have been convened to monitor the current rate of delivery against the identified actions from the recovery plan.
Unable to recruit staff and need to use agency staff.	High	Recruitment & retention of Social Work staff, particularly in safeguarding is one of the core priorities for the Senior management team within Children's Services.
Additional demand and cost pressures for services particularly in children's social care	High	2019/20 Budget monitoring, use of service performance data and recovery plan.
Delivery of approved savings for 2019/20	Low	Further to regular budget monitoring for all budget holders, the Council's Senior Leadership Team receive monthly updates on the 2019/20 position including a savings tracker for each of the approved savings.
Pressure achieving income targets in some services	Low	A small number of services are not meeting their income targets (which increase by 3% each year).
Investment Property Income changes	Low	Regular review of income and tenant negotiation

8. Balance Sheet

Council Subsidiary Companies

- 8.1. The Council has interests in a number of companies. The financial performance for 2018/19 of these companies is included in the Council's statement of accounts (link below). <http://www.torbay.gov.uk/council/finance/statement-of-accounts/>
- 8.2. All of these companies form part of the Council's group boundary, therefore Members should be aware of the assets and liabilities of these companies.

9. Debtor – Write offs

- 9.1. The total value of debtor "write offs" for the quarter were;

Service	Number of records written off	Value of write offs £000's	Number over £5,000
Council Tax	1,019	130	0
NNDR	37	233	5
Housing Benefit	44	21	0

- 9.2. EXEMPT Appendix 3 contains details of write offs over £5,000
- 9.3. As at 31st December 2019, the total percentage of the current year liability collected was:

Collection Fund	2019/ 20	For the same period in 2018/ 19
Council Tax	78.65	79.48
NNDR	77.33	79.22

10. Capital Plan Update

- 10.1. The Capital Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached at Appendix 1. The Plan now totals £394m over the 4 year period of which £125.4m relates to 2019/20 and £143m relates to 2020/21.
- 10.2. The movements in the estimate of expenditure in 2019/20 on the Capital Plan between the last monitoring report at September 2019 of £127.1m and the current approved budget for 2019/20 of £125.4m are shown below. Please note the format of this table shows schemes ordered by Council's previous Targeted Actions, as is Appendix 1.

11. Updates to Capital Plan

Scheme	Variation in 2019/20	Change £m	Reason
Estimate as at Q2 2019/20		127.1	Capital Plan Update – 2019/20 Quarter 2 (Cabinet Report 17 th Dec 2019)
Budget changes since last report (Q2 2019/20)			
Protecting Children			
PCSA Expansion	Re phased budget	0.4	Part budget transferred from 20/21
IT - Children's Case Management system	Re phased budget	(0.5)	Part budget moved to 20/21
		(0.1)	
More Prosperous Torbay			
Better Bus Area	Re phased budget	(0.1)	Majority of expenditure now expected next year
Claylands Redevelopment	Re phased budget	0.1	Budget transferred from 20/21 to reflect current estimated spend.
Torbay Innovation Centre Ph3 EPIC	Re phased budget	(0.2)	Budget transferred from 20/21 to reflect current estimated spend
Land acquisition adj. Beechwood, Collaton St Mary	New budget	0.3	Acquire site for ecology mitigation to Land Release Fund development at Collaton St Mary
Old Toll House (Economic Growth Fund)	Revised budget	0.5	Scheme now funded from Economic Growth Fund

Town Centre Regeneration – Harbour View Hotel	Re phased budget	(0.4)	Budget moved as a result of delays on site.
Transport – Highways Maintenance	Budget transfer	(0.2)	Budget moved to support Babbacombe Beach Road works
Transport – Torquay Gateway	Budget to 2020/21	(0.1)	Rephased to reflect latest estimates of expenditure
		(0.1)	
Attractive and Safe place			
Babbacombe Beach Road	Increased budget	0.2	Budget transfer from Highways Structural Maintenance
	Re phased budget	(0.3)	Likely timescale for majority of work
Brixham Harbour – CCTV upgrade & Fork Lift replacement	New budget	0.1	Harbour Cttee 16/12/19 approved scheme
Brixham Harbour – Infrastructure repairs	New budget	0.1	Harbour Cttee 16/12/19 approved scheme
Flood Alleviation - Cockington	Re phased budget	(0.1)	Part of Budget moved to 20/21
Flood Alleviation - Monksbridge	Re phased budget	(0.1)	Part of Budget moved to 20/21
Paignton Coastal Defence Scheme	New scheme budget	0.1	Estimated part of budget for current year.
Princess Pier Structural Repairs	Re phased budget	(0.8)	Unused budget moved to next year 20/21
Torquay Harbour South Pier Pontoon Runner guides	New scheme	0.1	H&S Provide safer access
		(0.7)	
Protect and Support Vulnerable Adults			
Disabled Facilities Grants	Re phased budget	(0.1)	Budget moved to reflect likely 2019/20 expenditure level
		(0.1)	

Corporate Support			
Corporate IT Development	Re phased budget	(0.6)	Part budget to 20/21
IT Equipment – TOR2	Re phased budget	(0.1)	Part budget to 20/21
		(0.7)	
Estimate – Quarter Three 2019/20		125.4	

Protecting Children

- 11.1. Paignton Community and Sports Academy expansion – Work is progressing well and Phase 2 commenced in December 2019. £0.35m budget has been moved from 2020/21 to the current year to match the likely expenditure pattern.
- 11.2. Secondary School Expansion – A small amount (£7k) of additional resources have been required to fund outstanding payments. The additional resources will be taken from the Education Review Projects budget.
- 11.3. IT Childrens Case Management system – the system to replace the existing Childrens social care case management system will in part be spent in next financial year and consequently £0.525m budget has been moved to 2020/21.

More Prosperous Torbay

- 11.4. Better Bus Area – Plans are in place to utilise the remainder of this budget however following discussions with partners it is now likely that the majority of expenditure will fall in next financial year. £0.073m of the budget has been moved accordingly.
- 11.5. Claylands Redevelopment – The necessary pre-let agreement has been signed and work on Phase 1 has commenced. There is an adjustment of £0.1m in budget phasing to reflect the latest estimated expenditure profile.
- 11.6. Torbay Innovation Centre Ph 3 - EPIC – All construction work is now complete and the Centre is fully operational and 40% occupied. However some costs will fall for payment in next year so appropriate budget of £0.175m has been transferred.
- 11.7. Investment Fund – Work to the Old Toll House on Torquay Seafront is now being funded from the Economic Growth Fund rather than from the Investment Fund, as agreed by Cabinet on 26 November 2019, and is now shown under the Regeneration heading.
- 11.8. Land acquisition adjoining Beechwood, Collaton St Mary – As part of the proposals for the development of land at Collaton St Mary as part of the Land Release Fund initiative, a Record of Decision (Chief Exec, 1 Nov 2019) has been made to enable acquisition of nearby land to provide ecology mitigation, particularly for Gull Bunting.
- 11.9. Town Centre Regeneration (including Economic Growth Fund) – As noted in paragraph 8.9 above, this budget will now be used to fund the Old Toll House development at a cost of £1.2m. The budget has been adjusted to reflect this change.

- 11.10. Town Centre Regen – Harbour View Hotel – further site surveys are required to be undertaken by SW Water which will delay the works on site. Consequently £0.4m budget has been transferred to next financial year.
- 11.11. Transport – Highways Structural Maintenance – £0.19m of the structural maintenance budget has been moved to provide additional resources for work at Babbacombe Beach Road.
- 11.12. Transport Integrated Transport Schemes – A small element (£0.05m) of the current year budget is transferred to next year in line with work plans.
- 11.13. Transport –Torquay Gateway – This project has largely been ‘on hold’ during the Western Corridor works but as that scheme nears completion, work is likely to divert to the Gateway scheme in the next financial year. Further budget of £0.05m has been moved to 2020/21 accordingly.

Attractive and Safe Place

- 11.14. Babbacombe Beach Road – Some preliminary works have been started and a budget transfer from Highways Structural Maintenance has been made to fund expected work.
- 11.15. Brixham Harbour – reports were presented and approved by Harbour Committee on 16 Dec 2019 for various capital schemes: CCTV upgrade (£0.086m); various Infrastructure improvements (£0.165m), and a replacement forklift truck (£0.021m), all to be funded from the Harbour Reserve. These schemes are now added to the Capital Plan.
- 11.16. Council Fleet Vehicles – mainly covers the purchase 22 no. replacement kerbside recycling vehicles and 6 no. refuse collection vehicles at a total cost of £4.308m spread over two years. The first batch of vehicles were delivered in December 2019.
- 11.17. Cockington Flood alleviation – following discussions with residents the scheme will now be delivered in two phases and consequently the expenditure profile has changed with £0.05m budget moved to 2020/21. The first phase is planned for January to March 2020, and phase two between January and March 2021.
- 11.18. Monksbridge Flood alleviation - some further modelling is required by South West Water on drainage capacity which will delay the scheme. It is hoped to start work in March 2020 with completion by March 2021 however £0.195m of the budget will now be transferred to next financial year as a result of the delay.
- 11.19. Paignton Coastal Defence Scheme – the Environment Agency have now provided confirmation of funding towards this scheme to provide improved flood protection to the Paignton Sea Front area. The total scheme cost is nearly £3.1m with £3m grant funding from the Environment Agency. The balance of funding is anticipated from S106 contributions.

- 11.20. Princess Pier Structural repairs – The scheduled works have been completed and the remaining budget of £0.75m has been moved to next financial year pending further decisions.
- 11.21. Torbay Community Partnership – work on refurbishment of public shelters on Preston and Paignton seafronts is on hold during the winter months. It is expected the remaining work will be carried out in time for summer 2020 so the remaining budget of £0.03m has been moved accordingly.
- 11.22. Torquay Harbour South Pier Pontoon Runner Guides – Work required for Health and Safety reasons to provide safer access to the fuelling station pontoons. The work is estimated to cost £0.04m and will be funded from Harbours' Reserves.

Protect and Support Vulnerable Adults

- 11.23. Disabled Facilities Grants – Demand remains high for this financial support however there is often a time lag between the grant applications and actual work being carried out. £0.150m of the budget has been transferred to next year to match the expected level of expenditure in 2019/20.

Corporate Support

- 11.24. Corporate IT Developments – Not all costs will fall in this year so budget of £0.6m has been transferred to next financial year.
- 11.25. Similarly for IT Equipment - TOR2, budget of £0.05m is not expected to be spent until 2020/21 and budget has been rephased accordingly.

12. Receipts & Funding

- 12.1. The funding identified for the latest Capital Plan budget is shown in Appendix 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

Funding	2019/20	2020/21	2021/22	2022/23	Totals @ Q3 19/20
	£m	£m	£m	£m	£m
Unsupported Borrowing	106	127	63	50	346
Grants	14	12	7	1	34
Contributions	2	1	0	0	3
Revenue	1	0	0	0	1
Reserves	1	2	0	0	3
Capital Receipts	1	2	4	0	7
Total	125	144	74	51	394

13. Grants

- 13.1. The Council has received confirmation of the following capital grant allocations:
- 13.2. Environment Agency – Grant of £3.1 million to enable works to provide additional flood protection to Paignton sea front and town
- 13.3. Dept. for Education – Notification of a grant allocation of £0.527m for the provision of a nursery facility at Barton Academy. The grant is due in next year 2020/21. Since the last Capital Plan update (Quarter 1 2019/20) reported to Cabinet in October 2019, the Council has not been notified of any additional capital grant allocations.

14. Capital Receipts

- 14.1. The funding of the Capital Plan relies on the generation of £7.7m capital receipts. The Council had a balance of £0.782m at 1 April and in this year to date we have received a further £0.5m. This leaves an outstanding capital receipts requirement of £6.4 m. This requirement has increased in recent months as a result of new schemes which also anticipate resources from future capital receipts.

15. Capital Contributions – S106 & Community Infrastructure Levy

- 15.1. So far this year approx. £0.8m capital Section106 contributions have been raised. These resources will be used to support projects in accordance with the terms of the relative agreements.
- 15.2. Council has approved a Community Infrastructure Levy (CIL) scheme which will provide funds for infrastructure improvements linked to the proposed developments and for the “neighbourhood proportion”. The main capital project identified for CIL receipts is the South Devon Highway. CIL funds of nearly £0.5m have been received in 2019/20.

16. Borrowing and Prudential Indicators

- 16.1. The Council has taken borrowing of £6m during the quarter, this has primarily been to finance Investment Fund property acquisitions and Regeneration projects. As at 31 December 2019 the Council’s total borrowing was £375m. The Operational limit is set at £470m in the approved Treasury Management Strategy. This limit is set based on the expected maximum borrowing the Council would undertake in order to meet its Capital Financing Requirement.
- 16.2. The Treasury Management mid-year review was presented to Council on the 24th October 2019 and contains more information on the Council’s current and future borrowing requirements.
- 16.3. In November HM Treasury, without consultation, increased the margin on PWLB rates over gilt yields by 1%. This will increase the costs of any future borrowing to support the Council’s capital plan. Alternative sources of borrowing are being investigated however is it possible that PWLB will remain the prime option for council borrowing.

17. Appendices:

17.1. Appendix 1 - Capital Plan summary – Quarter 3 2019/20

17.2. Appendix 2 – Capital Plan 2019/20 Project Status

17.3. Appendix 3 – EXEMPT debtor “write offs” over £5,000 in Quarter 3 of 2019/20

CAPITAL PLAN - QUARTER 3 2019/20 - EXPENDITURE

Appendix 1

	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Revised 4-year Plan Jan 2020				Total for Plan Period
			Total 2019/20 Revised	2020/21	2021/22	2022/23	
PB = Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Protecting children and giving them the best start in life							
Barton Academy - Nursery provision	527			527			527
Brookfield Site / Brunel Academy Phase 1	1,050	995	55				55
Brunel Academy Ph 2 Vocation Classrooms	1,000	22	578	400			978
Capital Repairs & Maintenance 2018/19	378	224	154				154
Capital Repairs & Maintenance 2019/20	269	0	269				269
Devolved Formula Capital (Rolling programme)			304				304
Early Years - Ellacombe Academy Nursery	907	891	16				16
Early Years - White Rock Primary Nursery	420	409	11				11
Education Review Projects (Rolling programme)			82				82
PB Medical Tuition Service - relocation	601	43	558				558
New Paignton Primary school	609	7	602				602
Pgn CS Academy Expansion	879	5	500	374			874
Roselands Primary - additional classroom	599	97	502				502
Secondary School places	2,194	2,139	55				55
Special Provision Fund (SEND)	849	165	517	167			684
Torbay School Relocation	1,200	184	316	700			1,016
IT replacement - Childrens Case Management System	1,000		175	825			1,000
	12,482	5,181	4,694	2,993	0	0	7,687
Working towards a more prosperous Torbay							
PB Claylands Redevelopment	10,400	723	1,967	6,748	962		9,677
DfT Better Bus Areas	1,183	1,095	15	73			88
PB Edginswell Business Park	6,620	2,937	183	3,500			3,683
PB Employment Space, Torbay Business Park	6,645	6,645	0				0
PB Innovation Centre Ph 3 (EPIC)	7,749	6,420	1,154	175			1,329
Land acq adj Beechwood Collaton St Mary	241		241				241
PB Oxen Cove Landing Jetty	2,500	738	1,762				1,762
PB South Devon Highway - Council contribution	20,224	18,294	600	1,330			1,930
PB TEDC Capital Loans/Grant	4,040	1,965	1,500	575			2,075
Transport Highways Structural Maintenance (Rolling Programme)			1,948	1,424			3,372
Transport Integrated Transport Schemes (Rolling Programme)			403	612			1,015
Transport - Torquay Gateway Road Improvements	2,927	1,106	121	1,550	150		1,821
Transport - Tweenaway Junction	4,903	4,903	0				0
Transport - Western Corridor	12,271	9,759	2,312	200			2,512
	79,703	54,585	12,206	16,187	1,112	0	29,505

CAPITAL PLAN - QUARTER 3 2019/20 - EXPENDITURE

Appendix 1

		Revised 4-year Plan Jan 2020						
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Total 2019/20 Revised	2020/21	2021/22	2022/23	Total for Plan Period
PB = Approved Prudential Borrowing schemes		£'000	£'000	£'000	£'000	£'000	£'000	£'000
Ensuring Torbay remains an attractive and safe place to live and visit								
	Babbacombe Beach Road	260	0	10	250			260
PB	Brixham Harbour - Breakwater	3,892	2,535	1,357				1,357
	Brixham Harbour - CCTV upgrade	86		86				86
	Brixham Harbour - Fendering	300	0	300				300
	Brixham Harbour - Fork Lift truck replacement	21		21				21
	Brixham Harbour - Infrastructure Repairs	165		165				165
	Brixham Harbour - Water Meters	110		110				110
PB	CCTV equipment	521	226	295				295
	Clennon Valley Sport Improvements	70	32	0	38			38
	Flood Alleviation - Cockington	328	43	135	150			285
	Flood Alleviation - Monksbridge	412	49	30	333			363
	Hollicombe Cliffs Rock Armour	1,351	1,351	0				0
	Paignton Coastal Defence Scheme	3,142	0	75	280	1,485	1,302	3,142
PB	Paignton Harbour Light Redevelopment	800	78	722				722
	Princess Gardens Fountain	186	182	4				4
	Princess Pier - Structural repair (with Env Agency)	1,665	806	109	750			859
PB	Public Toilets Modernisation Programme	1,179	558	621				621
PB	RICC Improvements (re Parkwood)	2,149		0	2,149			2,149
	Torbay Community Partnership	50	20	0	30			30
	Torre Abbey Renovation - Phase 2	5,000	4,992	8				8
	Torre Valley North Enhancements	40	40	0	0			0
	Torquay Harbour - South Pier Pontoon Runner Guides	40		40				40
	Torquay Harbour - Town Dock Pontoons Replacement	276	276	0				0
		22,043	11,188	4,088	3,980	1,485	1,302	10,855
Protecting and supporting vulnerable adults								
	Adult Social Care (Rolling programme)			500	0			500
PB	Crossways, Paignton - Regen and Extra Care Hsg	22,359			13,637	8,722		22,359
	Extra Care Housing	2,250	1,302	98	850			948
	Disabled Facilities Grants (Rolling programme)			851	750			1,601
		24,609	1,302	1,449	15,237	8,722	0	25,408
Corporate Support								
PB	Corporate IT Developments	1,801	659	500	642			1,142
	IT Equipment - TOR2	150		100	50			150
PB	Council Fleet Vehicles	4,771	333	2,824	1,614			4,438
PB	Essential Capital repair works	876	65	0	811			811
	Enhancement of Development sites	310	107	203				203
	Flexible Use of Capital Receipts (NB. Not Capital expenditure)	714	657	57				57
	Office Rationalisation Project - Electric House refurbishment	700	580	120				120
	General Capital Contingency	718	0	0	718			718
		10,040	2,401	3,804	3,835	0	0	7,639

CAPITAL PLAN - QUARTER 3 2019/20 - EXPENDITURE

Appendix 1

		Revised 4-year Plan Jan 2020						
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Total 2019/20 Revised	2020/21	2021/22	2022/23	Total for Plan Period
PB = <i>Approved Prudential Borrowing schemes</i>		£'000	£'000	£'000	£'000	£'000	£'000	£'000

CAPITAL PLAN - QUARTER 3 2019/20 - EXPENDITURE

Appendix 1

	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Revised 4-year Plan Jan 2020				Total for Plan Period
			Total 2019/20 Revised	2020/21	2021/22	2022/23	
PB = Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Investment Fund							
PB Investment Fund	300,200	154,907	80,293	65,000			145,293
	300,200	154,907	80,293	65,000	0	0	145,293
Regeneration Projects							
PB Regeneration Programme (inc Econ Gwth Fd)	112,500		0	0	62,500	50,000	112,500
PB Regeneration Programme-Retail Opportunity	16,700		16,700				16,700
PB Regeneration Programme-Harbour View Hotel Developmt	11,316	311	1,600	9,405			11,005
PB Old Toll House (Econ Growth Fund)	1,200		500	700			1,200
	141,716	311	18,800	10,105	62,500	50,000	141,405
Affordable Housing							
Affordable Housing	1,164	1	0	1,163			1,163
PB Housing Rental Company - Loan	25,000		0	25,000			25,000
Housing Rental Company - Aff Hsg Developments	100		100				100
	26,264	1	100	26,163	0	0	26,263
TOTALS		229,876	125,434	143,500	73,819	51,302	394,055
CAPITAL PLAN - QUARTER 3 2019/20 - FUNDING							
Unsupported Borrowing			106,375	127,104	63,011	50,000	346,490
Grants			14,449	11,314	6,291	1,302	33,356
Contributions			1,913	726	95		2,734
Revenue			440	43			483
Reserves			1,472	1,844			3,316
Capital Receipts			785	2,469	4,422		7,676
Total			125,434	143,500	73,819	51,302	394,055

CAPITAL PLAN - QUARTER 3 2019/20 - PROJECT UPDATE

Capital Plan Projects		Project status report
PB	= Approved Prudential Borrowing schemes	
Protecting children and giving them the best start in life		
	Brookfield /Brunel Academy Phase 1	Project complete. Small retention and fees outstanding.
	Brunel Academy Phase 2 Vocational Classrooms	Mercury Construction now on site. Expected completion Autumn 2020.
	Capital Repairs & Maintenance 2018/19	Commitment for R&M works carried over to 2019.
	Capital Repairs & Maintenance 2019/20	Majority of R&M works finished Summer 2019. Two larger projects carried over to Easter 2020 due to size and impact during term time.
	Devolved Formula Capital	Devolved funding for LA schools held by the LA.
	Early Years - Ellacombe Academy Nursery	Project complete. Small retention to be paid December 2019.
	Early Years - White Rock Primary Nursery	Project complete. Small retention to be paid December 2019.
	Education Review Projects	Small contingency held for any unforeseens/ delays to major schemes above and unallocated resources.
PB	Medical Tuition Service relocation	Project completed on time and within budget.
	New Paignton Primary school	Still awaiting an invoice from the ESFA for the Council's contribution to the new free school in Paignton. Work due to start on site Feb 2020 with completion for Autumn Term 2020.
	PCSA Expansion	Phase 1 complete. Phase 2 started 9th December 2019.
	Roselands Primary additional classroom	Project completed on time and within budget.
	Secondary School places	Project complete. Small retention to be paid December 2019. Final expenditure expectd to be £7k over budget.
	Special Provision Fund	Three year funding programme. Year 2 bids approved and awarded. Various works completed Summer 2019. New round of bids expected March 2020.
	Torbay School Relocation	Feasibility, consultation and design complete for Burton Academy extension. Planning decision expected late Dec/early Jan. Expected start date February 2020.
	IT Childrens Case Management System replacement	Latest budget forecast comes from the provider's payment schedule and does not include project management costs which are being paid by Plymouth City Council.

CAPITAL PLAN - QUARTER 3 2019/20 - PROJECT UPDATE

Capital Plan Projects		Project status report
PB	= Approved Prudential Borrowing schemes	
Working towards a more prosperous Torbay		
PB	Claylands Redevelopment	Claylands Cross Phase 1 development has been an extremely complicated project to progress. A pre-let agreement has been signed and Claylands Cross Phase 1 development has now commenced.
	DfT Better Bus Areas	Discussions on options and proposals are continuing
PB	Edginswell Business Park	Site now purchased.
PB	Employment Space	Scheme completed and tenant in occupation
PB	Innovation Centre Ph 3 (EPIC)	Construction of EPIC is complete. The Centre went operational in July 2019 and is currently around 40% let. The remaining £50K anticipated spend for FY 19/ 20 is towards specialist hi-tech equipment. The remaining anticipated spend for FY 20/ 21 is towards the final retention payment for the main contractor and further equipment spend for the Centre.
PB	Investment Fund	Several sites under consideration for purchase and subject to due diligence
	Land acquisition adj Collaton St Mary	
PB	Oxen Cove Landing Jetty	Complete
PB	South Devon Highway - Council contribution	DCC expected to provide update in mid January 2020, these figures may be subject to revision.
PB	TEDC Capital Loans/Grant	Funds available to draw on as required by TEDC to finance their capital schemes.
PB	Town Centre Regeneration Programme	
PB	Town Centre Regeneration Programme-Harbour View Hotel Development	Harbour View hotel development now part of Town Centre regeneration and incurring expenditure
PB	Old Toll House (Econ Growth Fund)	
	Transport Highways Structural Maintenance	Resurfacing programme continuing, currently on target.
	Transport Integrated Transport Schemes	Further business plans approved, actual expenditure this year subject to resources, £50k moved into 20/21
	Transport - Torquay Gateway Road Improvements	Preliminary works under way, main scheme to commence in 2020/21
	Transport - Tweenaway Junction	Scheme considered complete
	Transport - Western Corridor	Brixham Road and Windy Corner Accounts yet to be finalised so some uncertainty on final spend works completed in 19/20.

CAPITAL PLAN - QUARTER 3 2019/20 - PROJECT UPDATE

Capital Plan Projects		Project status report
PB	= Approved Prudential Borrowing schemes	
Ensuring Torbay remains an attractive and safe place to live and visit		
	Babbacombe Beach Road	£190k moved from Highways Structural Maintenance into this code, majority moved into 20/21 due to likely timescales
PB	Brixham Harbour - Breakwater structural repairs	Complete
	Brixham Harbour - CCTV upgrade	
	Brixham Harbour - Fendering	Complete
	Brixham Harbour - Infrastructure Repairs	
	Brixham Harbour - Water Meters	Approx 50% complete
PB	CCTV equipment	Project completed
	Clennon Valley Sport Improvements	Awaiting contractor appointment to start works and outcome of planning application
	Flood Alleviation - Cockington	Due to discussions with local residents who have objected to the original proposals we have amended the design of the scheme. Further discussions with the residents at a public meeting in September 2019 have resulted in an agreement that the works will be undertaken in two phases. Phase 1 will be carried out between January 2020 and March 2020 with Phase 2 being undertaken between January 2021 and March 2021. All works being completed by end of March 2021. The 1st Phase of the scheme will be commencing on site in January 2020.
	Flood Alleviation - Monksbridge	Due to SWW objections at present to the new overflow connection to the Sharkham Outfall Tunnel additional hydraulic modelling works will be required to confirm capacity within the tunnel. This modelling works will have to be undertaken by SWW and hence there will be a delay to the scheme being tendered and starting on site. Hopefully this will not be a long delay and works can commence on site by March 2020. Completion of the scheme is now likely to be by the end on March 2021 as we will not be undertaking works during the main summer tourist season.
	Paignton Coastal Defence Scheme	Scheme has now been approved by the EA and grant in aid funding secured. Detailed design works have commenced and a planning application will be prepared for the new secondary defence walls at Paignton and Preston.
PB	Paignton Harbour Light Redevelopment	Approx 80% complete
	Princess Gardens Fountain	£172k completed Sept 18
	Princess Pier - Structural repair (with Env Agency)	Works to superstructure of Princess Pier have come in under budget and discussions are being held with Council officers as to whether further repair works to the substructure should be carried out using this funding.
PB	Public Toilets Modernisation Programme	Orders raised for development phase winter 2019/20 Brixham Harbour, Preston Green, Victoria Square (Parkside)

CAPITAL PLAN - QUARTER 3 2019/20 - PROJECT UPDATE

Capital Plan Projects		Project status report
PB	= <i>Approved Prudential Borrowing schemes</i>	
PB	RICC Improvements (re Parkwood)	Pending condition report
	Torbay Community Partnership (Paignton Seafront Shelters)	Project is on hold for the moment and the money will likely be fully spent in 2020/21 financial year
	Torre Abbey Renovation - Phase 2	Project complete.
	Torre Valley North Enhancements	Awaiting outcome of consultation over future developments
	Torquay Harbour - Town Dock Pontoons Replacement	Project complete
	Tqy Harbour - South Pier Pontoon Runner guides	Contract awarded, awaiting commencement
Protecting and supporting vulnerable adults		
	Adult Social Care	Funding to support Torre Marine and proposed Crossways redevelopment
	Affordable Housing	Part of this funding is to be used to support Crossways proposals
	Crossways Redevelopment (incl. Extra Care Hsg)	Council agreed plans. Legal services and TDA in negotiation with owner
	Extra Care Housing	Pending housing co set up and planning permission
PB	Housing Rental Company - Loan	Finance approved to help establish and resource Housing Company
	Housing Rental Company - Affordable Housing development	Funds for necessary works to obtain planning permission on Council sites.
	Disabled Facilities Grants	Statutory provision of financial assistance for adaptations to private residences enabling independence for recipients
Corporate Support		
PB	Corporate IT Developments	This budget was to cover a two year programme. All monies are still forecast to be required.
	Corporate IT Developments - TOR2	Orders placed for some IT enhancements

CAPITAL PLAN - QUARTER 3 2019/20 - PROJECT UPDATE

Capital Plan Projects		Project status report
PB	= <i>Approved Prudential Borrowing schemes</i>	
PB	Council Fleet Vehicles	Includes requisition of new waste collection vehicles.
PB	Essential Capital repair works	Consideration will need to be given to replenishing this fund in future years.
	Enhancement of Development sites	Budget to enable moderate expenditure to enhance value of potential sites.
	Office Rationalisation Project - Electric House refurbishment	Works to update office accommodation are largely complete. Some residual costs to pay.
	General Capital Contingency	Contingency for unforeseen emergencies or funding shortfalls



Meeting: Cabinet

Date: 4 February 2020

Wards Affected: All

Report Title: Integrated Care System Governance in Devon

Is the decision a key decision? No

When does the decision need to be implemented? By March 2020

Cabinet Member Contact Details: Cllr Jackie Stockman, Cabinet Member for Adult Services and Public Health, Jackie.stockman@torbay.gov.uk

Supporting Officer Contact Details: Joanna Williams, Interim Director of Adult Social Services, 01803 2017175, Joanna.williams@torbay.gov.uk - Caroline Dimond, Director of Public Health, 01803 2017175, caroline.dimond@torbay.gov.uk

1. Proposal and Introduction

This paper is to request that Cabinet consider the governance arrangement for the Devon Integrated Care System and agree the proposals outlined in Section 3 below.

2. Reason for Proposal and associated financial commitments

In order to support Devon to become an Integrated Care System (ICS) several Non – Executive Directors (NEDs) from our NHS Organisations¹ worked with a number of our elected members of our Local Authorities to consider the ICS level governance functions. The work was undertaken through an initial discussion with the NHS NEDs, the creation of a small task and finish group comprising both NEDs and elected members that provided a proposal that was then tested and refined at a much larger group of NEDs and elected members. It is that proposal that we now seek views and support for adoption as our shadow ICS Partnership Board (we cannot call ourselves an ICS until approved by NHSE/I).

The NHS Long-Term Plan set the ambition that every part of the country should be an ICS by 2021. It requires all organisations in each health and care system to join forces, so they are better able to improve the health of their populations and offer well-coordinated efficient and sustainable services to those who need them. Integrated care happens when NHS organisations, Local Authorities and other key partners work together to meet the needs of their local population. The most ambitious forms of integrated care aim to improve population health by tackling the causes of illness and the wider determinants of health.

¹ The Non-Executive Directors ensure the Board acts in the best interests of patients and the public. Acting as critical friends, they hold the Board to account by challenging its decisions and outcomes. They also help the Board to formulate strategies, by bringing independent, external perspectives.

An ICS is not a legal entity, it is a “partnership” of the key statutory agencies bound through a Memorandum of Understanding that work with other key partners in a collaborative manner. Each sovereign organisation maintains their own statutory accountabilities. Governance and any devolved decision-making powers are developed through the partnership.

Framework

NHS England and NHS Improvement (NHSE/I)² set out a consistent approach to how systems are designed highlighting three levels at which decisions are made and described the broad functions to be undertaken at each level:

- **Neighbourhoods (populations circa 30,000 to 50,000 people) -served by groups of GP practices working with NHS community services, social care and other providers to deliver more coordinated and proactive services through primary care networks³ (PCNs).**
- **Places (populations circa 250,000 to 500,000 people) -served by a set of health and care providers in a town or district, connecting PCNs to broader services including those provided by local councils, community hospitals or voluntary organisations.**
- **Systems (populations circa 1 million to 3 million people) -in which the whole area’s health and care partners in different sectors come together to set strategic direction and to develop economies of scale, an ICS.**

² NHSE/I NHS England and NHS Improvement work together as a new single organisation to better support the NHS to deliver improved care for patients. Operating through 7 regions (Devon is within the South West) they make decisions about how best to support and assure performance in their region and have a Regulatory function as well as supporting system transformation and the development of sustainability and transformation partnerships and integrated care systems.

³ PCNs are not statutory bodies. They consist of groups of general practices working together with a range of local providers, including across primary care, community services, social care and the voluntary sector, to offer more personalised, coordinated health and social care to their local populations. GPs are required to be part of a PCN through their contractual arrangements with NHSE/I

Level	Functions	Priorities from the NHS Long-Term Plan
Neighbourhood (c.30,000 to 50,000 people)	<ul style="list-style-type: none"> • Integrated multi-disciplinary teams • Strengthened primary care through primary care networks – working across practices and health and social care • Proactive role in population health and prevention • Services (e.g. social prescribing) drawing on resource across community, voluntary and independent sector, as well as other public services (e.g. housing teams). 	<ul style="list-style-type: none"> • Integrate primary and community services • Implement integrated care models • Embed and use population health management approaches • Roll out primary care networks with expanded neighbourhood teams • Embed primary care network contract and shared savings scheme • Appoint named accountable clinical director of each network
Place (c.250,000 to 500,000 people)	<ul style="list-style-type: none"> • Typically council/borough level • Integration of hospital, council and primary care teams / services • Develop new provider models for 'anticipatory' care • Models for out-of-hospital care around specialties and for hospital discharge and admission avoidance 	<ul style="list-style-type: none"> • Closer working with local government and voluntary sector partners on prevention and health inequalities • Primary care network leadership to form part of provider alliances or other collaborative arrangements • Implement integrated care models • Embed population health management approaches • Deliver Long-Term Plan commitments on care delivery and redesign • Implement Enhanced Health in Care Homes (EHCH) model
System (c.1 million to 3 million people)	<ul style="list-style-type: none"> • System strategy and planning • Develop governance and accountability arrangements across system • Implement strategic change • Manage performance and collective financial resources • Identify and share best practice across the system, to reduce unwarranted variation in care and outcomes 	<ul style="list-style-type: none"> • Streamline commissioning arrangements, with CCGs to become leaner, more strategic organisations (typically one CCG for each system) • Collaboration between acute providers and the development of group models • Appoint partnership board and independent chair • Develop sufficient clinical and managerial capacity
NHS England and NHS Improvement (regional)	<ul style="list-style-type: none"> • Agree system objectives • Hold systems to account • Support system development • Improvement and, where required, intervention 	<ul style="list-style-type: none"> • Increased autonomy to systems • Revised oversight and assurance model • Regional directors to agree system-wide objectives with systems • Bespoke development plan for each STP to support achievement of ICS status
NHS England and NHS Improvement (national)	<ul style="list-style-type: none"> • Continue to provide policy position and national strategy • Develop and deliver practical support to systems, through regional teams • Continue to drive national programmes e.g. Getting It Right First Time (GIRFT) • Provide support to regions as they develop system transformation teams 	

Devon

In Devon this new mechanism for setting strategies and developing and implementing plans to improve the health of a whole population is in the early stages of evolution. At system level Devon is currently a Sustainability and Transformation Partnership (STP), the precursor to an ICS, and has been since 2016. The STP operates through a Memorandum of Understanding.

There is an ICS “maturity matrix”. The matrix outlines the core capabilities expected of emerging ICSs, developing ICSs, maturing ICSs and thriving ICSs. For a system to be formally designated an ICS, they will need to meet the attributes of a maturing ICS⁴, assessed by the regional office of NHSE/I, that will include delivering performance and financial outcomes that meet plans agreed with NHSE/I. We are anticipating meeting the deadline of April 2021.

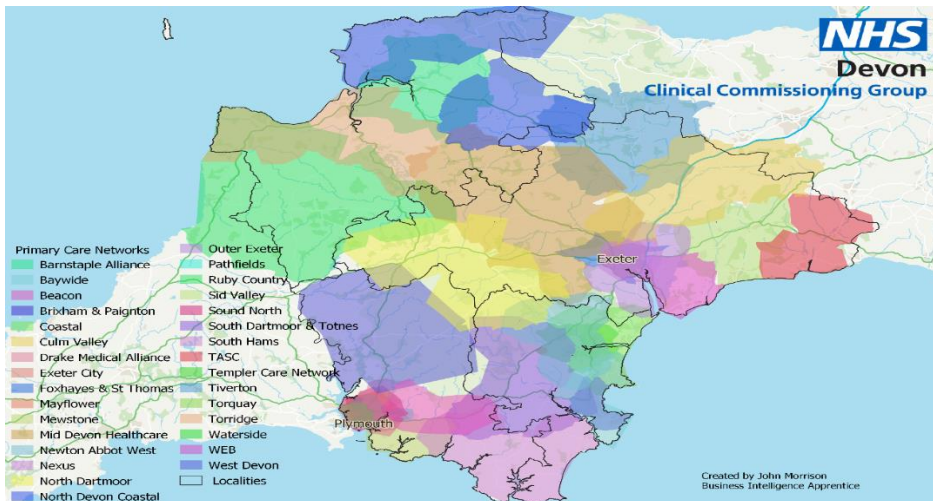
Informal structures for organisations and agencies coming together at “place” level are in place and are understood in Devon as the 4 Local Care Partnerships (LCPs) that are:

⁴ <https://www.england.nhs.uk/wp-content/uploads/2019/04/assessing-integrated-care-systems-in-england.pdf>



There is a current discussion amongst the NHS, LAs and PCNs about whether the geography of the LCPs is quite fit for purpose. That discussion will conclude over the next few weeks but for the purposes of this paper, the exact footprint of LCPs is not critical.

From the 1 July 2019, 31 PCNs came into being so creating the “neighbourhood” tier.

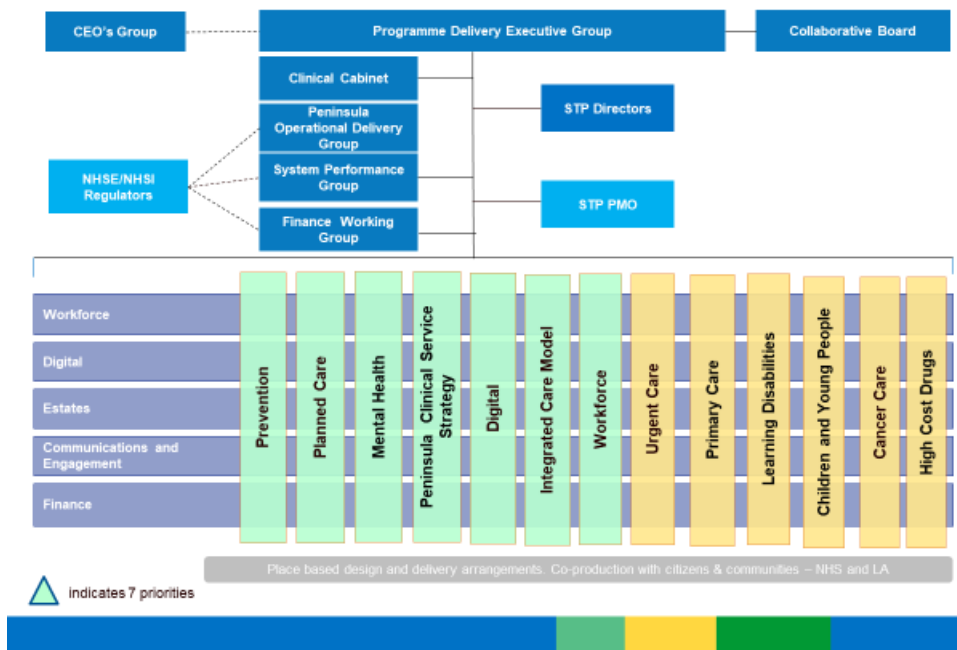


Each PCN has a Clinical Director and within each LCP there is a Primary Care Collaborative Board that brings together all the PCN Clinical Directors in the area to provide an opportunity for collective consideration of issues as required. In the early stages PCNs are primarily to offer a way of stabilising primary care and improve primary care access for the population.

Developing the Governance and Accountability Arrangements

It is the role of the ICS to set the governance and accountability arrangements across the system that supports each level to fulfil its function. At present there is an established structure:

Programme architecture 19/20



The structure has served the system well to date, however, as we move toward becoming an ICS and taking on the all the functions required, it is no longer fit for purpose.

The Collaborative Board comprises a very broad range of partners and stakeholders that all have an interest in the health and care of the population. It has Officers, Non -Executives and elected Members on it together with partners from the independent and third sectors. There is a growing lack of clarity about its role. It does not have enough time or capacity to undertake a robust assurance role, it has no authority over financial or performance issues and the opportunity it affords for the development of system wide strategies to improve the whole population's health is not fully exploited.

The Programme Delivery Executive Group (PDEG) is the collective senior leadership forum for the Statutory partners and others with a significant delivery role within the system. Currently it has a role reviewing the NHS system performance and financial delivery and a role in providing oversight to system programmes of work – workforce, digital, the integrated care model as example. As the only forum of its type across the system it also gives a collective view on items such as the Devon Long Term Plan (LTP) submission, the Winter Plan and other system wide planning documents. It is an Officer forum.

The Proposal

The overall structure, delivery architecture and governance of an ICS is currently not mandated, and each system is developing its own model. NHSE/I are currently talking with all the relevant stakeholders to consider whether there should be some national guidance and/or direction. This means it is possible that there may be some mandated national alignment about the nature and structure of an ICS and all associated governance in 2020. Early sight of that national discussion suggests it is unlikely that this will cut across the work done within Devon to date and therefore it is recommended that the system does not lose the momentum and engagement through a “pause” to wait for any national view.

The group, referred to in the introduction to this paper, agreed that some of the expected functions of an ICS would include:

- Setting strategic objectives and outcomes to improve the health and well-being of the Devon population (Population Health Management)
- Determining the allocation of resources to “places” (sub sections of the county based on a geographical footprint and recognised in county boundaries – at present Devon operates with 4 such “places”) that will be served by Local Care Partnerships (LCPs)
- Ensuring that health inequalities are addressed across Devon
- Seeking to influence the application of resources from areas outside health and social care that have a direct impact of the health and well-being of the population to maximise improvement opportunities (housing, employment, education etc.)
- Supporting the spread and adoption of best practice
- Assurance of delivery of the expected improvements in outcomes within the resource envelope and to agreed performance, quality and regulatory standards
- Oversight of large-scale strategic transformation projects
- Ensuring active and effective stakeholder engagement and public participation at system level
- Accountability back to the population of Devon

Early sight of the functions being considered at a national level, and as part of the engagement discussed, suggests that the Devon system is safe to assume the functions as described are in accordance with NHSE/I current thinking that is:

- 1) Planning and co-ordinating system transformation at system, place and neighbourhood
- 2) Management of system performance including health outcomes, quality of care, operational and financial performance

To discharge these functions, it was considered that there would need to be a dedicated ICS Board that conducted the business of the ICS.

It is felt that it is important that this Board does not replicate the organisational Boards of the Health and Social care providers as its role was not to provide or deliver services. There were concerns that if it did in any way replicate those structures that it may start “doing” as opposed to setting a framework for others to “do” within and create a conflict with the function of LCPs and at neighbourhood with Primary Care Networks (PCNs) that are clearly about delivery of integrated care.

Proposed ICS Board Structure

The structure put forward for considerations is:

- An Independent Chair
- 3 Leaders of the 3 Local Authorities
- 4 system Non-Executive Directors with alignment to “place”
- 1 Chief Executive
- 1 Population Health Director (DPH) – that would link with the Chairs of the Health and Well Being Boards and the other 2 DsPH
- 1 Finance Director
- 1 Strategic Commissioner
- 3 Clinical Representatives

It was agreed that the non-executive and elected membership of the Board, should mirror the current voting superiority of NHS organisations. This would mean at least one more non-executive member than executive.

There was discussion regarding the position of the Leaders of the Council that are elected members (so not Officers) but Executive. It was considered this was the appropriate seniority.

The role of Independent Chair would be appointed through the NHS line and hosted by the Clinical Commissioning Group (CCG) with involvement of the CB. Latest thinking from NHSE/I is that the role cannot be appointed by the CB (or equivalent) as the CB is not a Statutory entity as Foundation Trust Governors are, as example. The Chair would also be the Chair of the CB.

System non-executives should be found through an open recruitment process against clearly defined skill sets and experience. This should include education and the voluntary sector. It is preferable that they also can link “place” and can be “hosted” by the CCG as the ICS is not a legal entity. It may be that existing NHS NEDs from the Devon NHS organisations wish to apply for these roles and in that case, they can remain “hosted” by their NHS organisation but must relinquish all activity for that organisation. This option was felt important as it allows for the opportunity of existing, experienced Devon NEDs to apply for the roles if they choose and improve the ability for the Board to work at pace.

Clinical representation must demonstrate experience across primary, secondary, community, mental health and social care within the 3 Board members. This will be tested through open recruitment and interview process.

It was agreed that there would be an Executive ICS group comprising the Chief Executives and Officers of the statutory partners that would work to the ICS Board in a similar arrangement to the current Programme Delivery Executive Group.

Collaborative Board and LCPs

The role and function of the ICS Board, together with its membership has an impact on the system governance arrangements at Collaborative Board and LCP levels.

Developing an ICS is a collective endeavour and it is for the Collaborative Board to consider its function should the proposal be accepted. The collective group working on the proposal thought it would be helpful for the Collaborative Board to consider the following as part of its function:

- Engagement with, involvement in and support for system wide strategies
- A role in the accountability arrangements for the Independent Chair⁵
- A role in agreeing the performance metrics by which the ICS measures its success

The Collaborative Board will be meeting in early December and will consider the proposal for the shadow ICS Board and its own role within the governance of the ICS.

LCPs currently exist in all areas; however, they are largely disconnected from the STP. Given the expectation of the ICS and the functions to be delivered at LCP level this will need to be resolved. A proposal for the composition of the LCP leadership group will be forthcoming in the next few weeks.

Relationship to NHSE/I

NHSE/I act as the Regulator for NHS organisations and currently discharge this function through a performance management framework with individual NHS organisations. NHSE/I is working through how it changes its operating model to fit with an assurance function at system level whilst still having Regulatory powers at single organisation level. The mechanisms for oversight and governance are in the very early stages and it is inevitable that for the next 12 months there will be some ambiguity as the national governance model evolves.

System Working and Assurance

To be effective the ICS needs to have a common purpose and an agreed way of working. Attached to this paper at Appendix 1 & 2 is the proposed refreshed and revised Memorandum of Understanding (MoU) to bind the Statutory Partners and a System Assurance Framework to enable all parts of the system governance arrangements to function effectively. You are asked as part of the Governance arrangements to consider both documents and signal your organisation's willingness to support both and be a signatory on the MoU.

Report prepared by:

Philippa Slinger
Lead Chief Executive
Devon STP

⁵ NHSE/I set out that each ICS should have an Independent Chair, likely to be accountable to the region

3. Recommendation(s) / Proposed Decision

- 3.1 That the proposal for the ICS Board to be established in “shadow” form in March 2020 be approved.
- 3.2 That the Memorandum of Understanding to secure “system” working, be approved and signed subject to the Council’s Monitoring Officer requesting appropriate alterations to ensure the Memorandum of Understanding concurs with the Council’s Constitutional requirements.
- 3.3 That the system assurance framework as the means of ensuring effective governance of the ICS be approved.

Appendices

Appendix A: System Assurance Framework

Appendix B: Draft System MOU

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The NHS Long-Term Plan set the ambition that every part of the country should be an ICS by 2021. It requires all organisations in each health and care system to join forces, so they are better able to improve the health of their populations and offer well-coordinated efficient and sustainable services to those who need them. Integrated care happens when NHS organisations, Local Authorities and other key partners work together to meet the needs of their local population. The most ambitious forms of integrated care aim to improve population health by tackling the causes of illness and the wider determinants of health.</p> <p>An ICS is not a legal entity, it is a “partnership” of the key statutory agencies bound through a Memorandum of Understanding that work with other key partners in a collaborative manner. Each sovereign organisation maintains their own statutory accountabilities. Governance and any devolved decision-making powers are developed through the partnership.</p>
2.	<p>What is the current situation?</p> <p>These are new proposals. Torbay currently works in close partnership with health and social care commissioners and providers.</p>
3.	<p>What options have been considered?</p> <p>There are no other options.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Torbay council will be partner in the development of the ICS. This discussion will be in the context of The Council’s four visions:</p> <ul style="list-style-type: none">• Thriving People. Through turning the tide on poverty and having high aspirations for each other.• Thriving Economy. Through creating an environment where businesses and jobs can grow and being the premier tourist resort in the UK• Tackling Climate Change. Through becoming carbon neutral and encouraging providers and partners to consider and mitigate the impact of their work on the environment.• Council Fit for the Future. Through creating a culture of partnership.

5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>N/A</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>N/A</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Services for people with learning disabilities will be included in these proposals, with the aim of improving quality of life and independence.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>N/A</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? Although mandated by the NHS Long term plan, an ICS is not a legal entity, it is a “partnership” of the key statutory agencies bound through a Memorandum of Understanding that work with other key partners in a collaborative manner. Each sovereign organisation maintains their own statutory accountabilities. Governance and any devolved decision-making powers are developed through the partnership.
10.	What are the risks? The Council will need to continue to influence the broader debate to ensure that Torbay’s priorities and need influence decision making and resource allocation.
11.	Public Services Value (Social Value) Act 2012 N/A
12.	What evidence / data / research have you gathered in relation to this proposal? See report
13.	What are key findings from the consultation you have carried out? N/A
14.	Amendments to Proposal / Mitigating Actions N/A

Devon Integrated Care System System Assurance Framework

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1. Introduction

The NHS Long-Term Plan set the ambition that every part of the country should be an integrated care system (ICS) by 2021. It encourages all organisations in each health and care system to join forces, so they are better able to improve the health of their populations and offer well-coordinated efficient services to those who need them. Delivering service transformation of this scale requires a well-developed system and effective underpinning infrastructures.

This document sets out the working arrangements which will operate in the Devon Integrated Care System (Devon ICS) when it is established as a shadow ICS in February 2020. There is a recognition that the system is in a transitional phase and that these arrangements will be further developed and refined as the system moves towards full ICS status in April 2021. (This System includes the population registered with all GP practices in the geographical area covered by Devon County Council, Plymouth City Council and Torbay Council)

2. Development of the Devon ICS

As part of our plan to implement the NHS LTP, we are expected to set out the local actions we will take to become a 'mature' ICS by April 2021. NHS England have published an ICS maturity matrix to guide systems on the characteristics they expect of ICSs and we are using this tool to assess the 'current state' and to inform our approach to ICS development with a detailed programme plan.

National guidance sets out that the characteristics of a mature ICS include:

- Collaborative and inclusive multi-professional system leadership, partnerships and change capability, with a shared vision and objectives and an independent chair;
- An integrated local system, with population health management capabilities which support the design of new integrated care models for different patient groups, strong PCNs and integrated teams and clear plans to deliver the service changes set out in the Long Term Plan; improving patient experience, outcomes and addressing health inequalities;
- Developed system architecture, with clear arrangements for working effectively with all partners and involving communities as well as strong system financial management and planning (including a way forward for streamlining commissioning, and clear plans to meet the agreed system control total moving towards system financial balance);
- A track record in delivering nationally agreed outcomes and addressing unwarranted clinical variation and health inequalities;
- A coherent and defined population, where possible contiguous with local authority boundaries.

We have recently assessed our progress across all the domains of the ICS maturity matrix and evidence. This demonstrated that we needed to make significant further progress in a number of the key areas including further development of our:

- System operating model, strengthening the relationship between care redesign, performance and finance and ensuring delivery
- Population health management capability

- System governance and Devon ICS leadership arrangements to support a 'system first' approach including the clarification of the role of non-executives and elected members and strengthening links with Primary Care Networks and Health and Wellbeing Boards
- Design and development of Local Care Partnerships (LCPs) and the Mental Health Steering Board, clarifying relationships with PCNs and Local Authorities in delivery of care
- The CCG and partner organisations to form the Strategic Commissioner and clarification of their role in system working.
- The system population outcomes framework to ensure close alignment with key deliverables in the NHS LTP and system financial and performance priorities
- Organisational Development (OD) plan to support the delivery of the key elements of our ICS and the relationships between them.

We have started to develop a future model of integrated governance and system-led oversight with key local stakeholders, including non-executive directors, Lead Cabinet members and chairs of the three Devon Health and Wellbeing Boards and we have engaged with council leaders and other senior NHS and local government officers to co-design the new arrangements. We are taking steps to develop our system leadership arrangements and to establish a shadow ICS board by February 2020 underwritten with an updated formal MOU agreed by all partners. To ensure we have the right leadership in place to move us forward quickly, we will agree the programme for appointment of the substantive system leader to lead on our system development and we have developed a 'governance checklist' to support our transition from STP to ICS by April 2021.

In line with this new way of working, the Devon Health and Wellbeing Boards, supported by our public health teams, are beginning to work together more closely to identify common themes in their Health and Wellbeing strategies and the development of the Devon LTP has been a catalyst for deepening system-level collaboration. Including the boards in strategic planning has helped to create a shared a vision and strengthen alignment between board priorities making it easier to address those issues which can be more effectively tackled through a system-wide approach, particularly our shared aims around prevention of ill health and self-care in local communities as set out in our ambitions. We have also identified the need for stronger Primary Care Network engagement across the system and the governance arrangements will reflect this - we will embed GPs into leadership and governance structures of our emerging ICS.

3. Parties to the System Assurance Framework

All the organisations who are parties to the local MOU are parties to this System Assurance Framework. These are:

- Devon County Council (DCC)
- Devon Partnership NHS Trust (DPT)
- Livewell Southwest (LSW)*
- Devon CCG (DCCG)
- Northern Devon Healthcare NHS Trust (NDHT)
- Plymouth City Council (PCC)
- Royal Devon and Exeter NHS Foundation Trust (RDE)
- University Hospitals Plymouth NHS Trust (UHP)
- South Western Ambulance Service NHS Foundation Trust (SWASFT)**

- Torbay and South Devon NHS Foundation Trust (TSD)
- Torbay Council (TC)

**(n.b Although Livewell Southwest is an independent social enterprise, throughout this document the term “NHS organisations” should be read as including Livewell Southwest)*

*** (SWASFT is a partner within the Devon ICS with respect to the services that it provides within the Devon footprint. It is recognised that SWASFT will also be a partner in other ICS arrangements)*

4. Associated Strategies and Plans

The following strategies and plans should be read in conjunction with the System Assurance Framework:

- STP Plan 19/20
- Memorandum of Understanding
- Devon Long Term Plan
- Workstream Delivery Plans

5. System Vision and Ambitions

Devon’s Long Term Plan for health and care services has, at its heart, a vision that **“everyone in Devon to have equal chances to live long, happy and healthy lives”**. It has ambitions for change over the coming decade and firm plans for investment in each of the next five years.

Devon’s NHS organisations, together with Devon County, Plymouth City and Torbay Councils have shared aspirations for health and care in Devon for the future. They are taking collective responsibility for working together towards the following five shared ambitions:

1. **Effective and efficient care:** using Devon taxpayer’s money to deliver value for the population, eradicate waste, tackle unwarranted clinical variation and improve productivity everywhere.
2. **Integrated Care Model:** shifting to care out of hospital by supporting and developing: the primary care networks, community services (including mental health), social care and voluntary sector. This will reduce the growth in acute urgent care, improve access to primary care and enable more people to be cared for at home.
3. **The “Devon-wide Deal”:** nurturing a citizen led approach to health and care which reduces variations in outcomes, gaps in life expectancy and health inequalities across Devon.
4. **Children and young people:** investing more in children and young people to have the best start in life, be ready for school, be physically and emotionally well and develop resilience throughout childhood and on into adulthood.
5. **Digital Devon:** investing to modernise services using digital technology.

6. **Equally Well Devon'**. The ambition of this programme is to increase the life expectancy of people with learning disabilities and/ or autism and of people with severe mental health problems so that it is closer to the life expectancy of other people in Devon.

6. Scope of the System Assurance Framework

The System Assurance Framework will develop to provide assurance across:

- Performance – national and local delivery targets and outcome measures
- Quality – safety, clinical effectiveness and experience
- Compliance information – regulatory and reporting requirements including those set out in the NHS Oversight Framework.
- Finance – delivery of plans and key metrics, and the system control total.

7. Underpinning Principles to the System Assurance Framework

The System Assurance Framework recognises that:

- The parties to the Memorandum of Understanding will continue to exist as sovereign bodies and hold their existing budgets and accountabilities;
- NHS England and NHS Improvement will retain legal responsibility, respectively, for CCG and Foundation Trust authorisation, regulation and assurance.

NHS England, NHS Improvement and the Devon System have committed to working together within these statutory responsibilities to implement the system assurance framework in line with the principles set out in national guidance. This will include the locally agreed principles that:

- Devon ICS remains part of the wider NHS and social care system; such that there is assurance that the system will deliver against the minimum operational standards required nationally.
- The Devon ICS will be assured once, as a system, for delivery of the NHS Constitution and mandate, and quality.
- The system assurance framework will be consistent with the principle of subsidiarity (decisions are made at the most appropriate level) within Devon, recognising the 'place' footprint as the primary unit of planning and delivery, whilst understanding the position of individual organisations;
- The system assurance framework will operate on the basis of "mutual accountability" where all parties to the MOU are equal and have shared responsibility for the delivery of operational standards and transformation plans;
- The process will be under-pinned by a clear approach to improvement-focused intervention, support and capacity building. Peer review will be a core component of the improvement methodology.
- Organisations in the Devon ICS will work together to make best shared use of improvement capacity and expertise.

8. Roles and Responsibilities

The ICS has established a governance structure will clearly sets out roles and responsibilities. This structure is set out in the diagram at Section 11. The purpose of each of the governance groups is summarised below:

	For completion once Terms of Reference agreed
Collaborative Board	•
ICS Board	•
Executive Leadership Team	•
Finance Working Group	
System Performance Group	•
Clinical and Professional Cabinet	•
Locality Care Partnerships	•
System Performance Delivery Team	•
ICE (Strategic Commissioner)	•
System Improvement Boards	•

9. Key Elements of the System Assurance Framework (SAF)

The SAF will have six component parts:

1. Operational Plan – setting out the priorities, plans, performance trajectories and associated resources for the current year;
2. Performance Framework – setting out performance against national and local priorities;
3. System Programme reports – setting out in-year progress against delivery and transformation plans, and identifying risks and mitigating actions;
4. Locality Care Partnership Plans and reports – setting out progress in each of the locality areas
5. Escalation Process – agreed process, thresholds and triggers for escalation within the Devon ICS and externally;
6. Risk Management Framework – setting out system risks and mitigation.

9a Operational Plan

On an annual basis, NHS England and NHS Improvement expect each NHS organisation to submit an Operating Plan. The Devon ICS will be responsible for assuring these plans and

for ensuring that the place-based plans and the over-arching Operational Plan are consistent with national requirements on finance, activity, priorities and performance.

NHS England and NHS Improvement will agree with the Devon ICS the expected level of achievement in-year at system level.

Locality Care Partnership plans will need to be agreed by all organisations within each Place and be consistent with and contribute to the wider Devon ICS Operational Plan.

The Operational Plan for the Devon ICS will be aggregated from the Locality Care Partnership plans and the plan for system-wide initiatives across Devon. The Plan will include those elements of NHS England's direct commissioning responsibilities which sit within the Devon ICS.

NHS England and NHS Improvement (with other national partners) will assure the Operational Plan. The Devon ICS will be responsible for assuring local plans at an organisational, place and system level.

9b Performance Report

A system performance report has been developed, that focuses on place and system wide performance, rather than each of the individual organisations. This framework, includes a suite of metrics that under-pin the STP Plan and focus on achieving transformation rather than routine assurance.

The framework ensures that different parts of the Devon ICS (organisation, place or programme) are not working to different regulatory regimes and the performance dashboards report on delivery of the NHS Constitution targets and the NHS mandate expectations. The focus of the dashboard is on delivery in place and at a programme level with the ability to aggregate key metrics together to produce the assurance reports for the relevant boards within the governance framework. The dashboards will provide the foundation for the quarterly assurance report to the integrated Regional Director for NHS England and NHS Improvement.

A separate finance dashboard will be prepared each month.

Progress on transformation and risks to programmes will be reported to the System Performance Group through monthly programme reports.

9c System Programme Reports

Each of the system work programmes has produced a 2019/20 workplan. These work programmes have been reviewed by an external consultancy. New reporting and project managements are being established which will form the basis of ongoing monitoring and assurance.

9d Locality Reports

Locality reports will be provided to the Executive Leadership Team to provide assurance on the delivery of strategy, plans and transformation within place and at system level, covering:

- Progress assessment – current period and previous period (RAG)

- Priorities for current year
- MOU commitments
- Update on citizen engagement
- Progress update on transformation plan
- Next steps on transformation plan
- Progress on planned savings and forecast
- Risks and mitigation

9e Escalation Process

The Devon ICS will follow an escalation process in line with the roles and responsibilities outlined within this framework.

9f Risk Management Framework

The Devon ICS has developed a Risk Management Framework which sets out how it will manage risk at 3 levels

- System Strategic Risk – Risks which impact on the delivery of the system’s strategic objectives
- System Performance Risks – Risks which impact on performance across a number of organisations and are best mitigated by system working.
- System Priority Programme Risks – Risks which impact on the delivery of agreed workstreams

These arrangements will be mirrored at Locality Care Partnership level

10. Regulatory Assurance

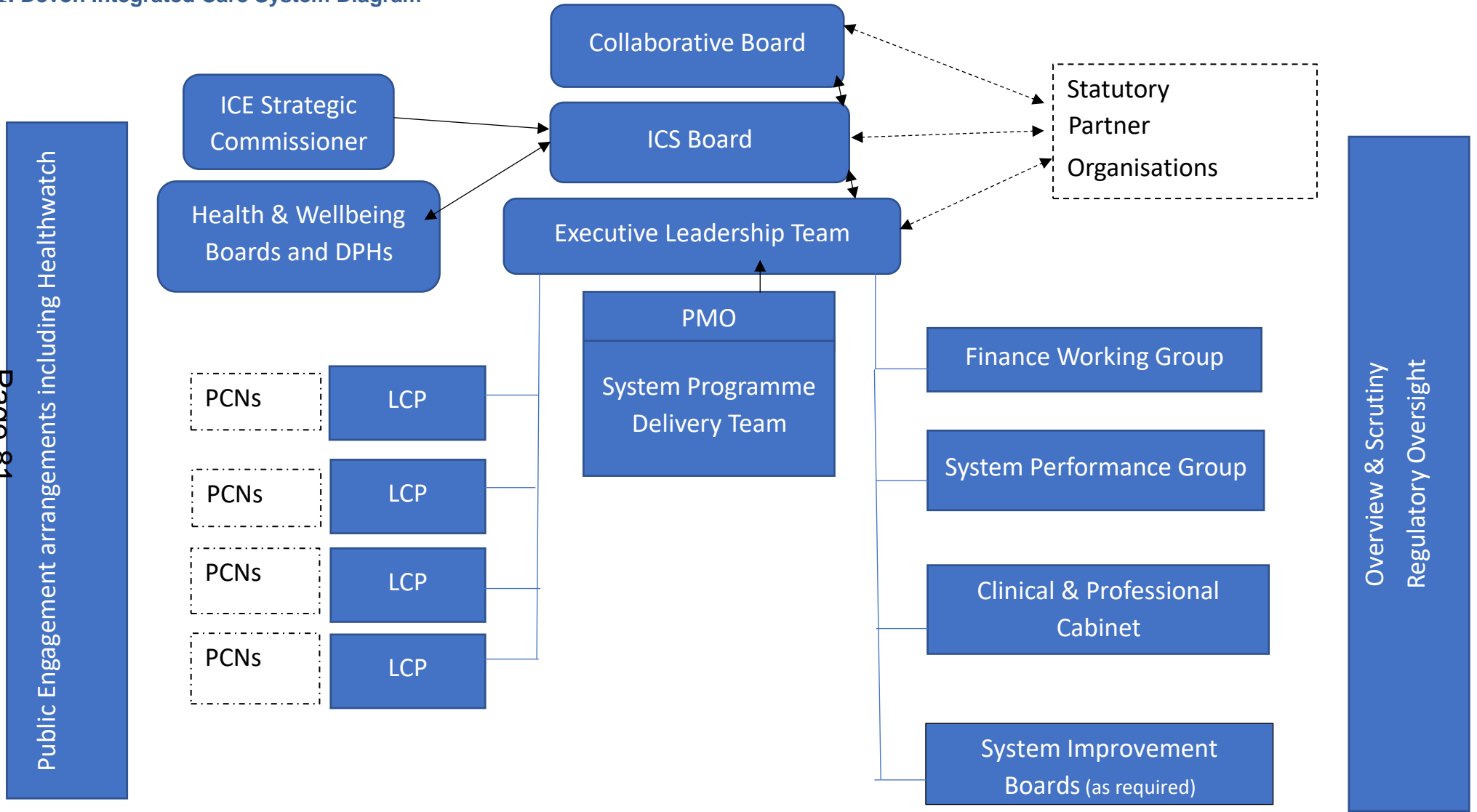
NHS England and NHS Improvement have agreed that:

- i. NHS England and NHS Improvement Regional Director will meet quarterly with the Devon ICS to ensure that NHS Constitution, NHS Mandate and MOU commitments are being met in full by Devon ICS.
- ii. The Devon ICS will comply with the requirements of the NHS Oversight Framework 19/20.
- iii. Where Devon ICS is not delivering the requirements of the NHS Constitution, mandate and MOU at a system level the Devon ICS will set out its proposal for improvement. Required actions could include:
 - Improvement/recovery plan
 - Monitoring of the standard at a different frequency (eg monthly)
 - Requirement for Devon ICS to seek further support to secure recovery
- iv. When an individual organisation is outside of the expected performance standards, the Devon ICS will seek to resolve and inform the regional team of progress. In the event of sustained non-delivery, the Devon ICS and the lead regional director will consider next steps. The following principles will apply:
 - Devon ICS will be responsible in the first instance for working with local organisation to address the issue, supported by the integrated regional team.

- Any NHS England or NHS Improvement intervention required will, wherever possible be identified in consultation with and agreed with the Devon ICS;
 - Any regulatory decisions will, as now, be made by NHS England and NHS Improvement but, wherever possible, will be in consultation with and taking into account the views of the Devon ICS;
 - NHS England and NHS Improvement will not engage with individual providers or CCGs without the knowledge of the Devon ICS and an invitation to participate in the discussion.
 - If the Devon ICS wishes NHS England or NHS Improvement to exercise its wider powers of intervention, they will be required to evidence the reasons and to request formally the intervention.
 - Separate arrangements are in place for those services commissioned by Local Authorities which may be subject to regulation through OFSTED and CQC.
- v. An agreed suite of performance reports will be made available by the regional team to inform the quarterly review, a week in advance of each meeting.
- vi. All organisations in the ICS (including NHS and Local Authority partners) are expected to have robust arrangements for internal and external audit in line with best practice.

It is recognised that the Local Authority Partners in the ICS are not subject to the same regulatory arrangements as the NHS organisations. The roles and duties of the Local Authorities (incl Officers and Members) are set out in Statute and are subject to democratic accountability. Local Authority Partners have agreed to work closely with NHS Partners for the purposes of achieving the ICS objectives and may choose to exercise some of their statutory functions through these arrangements (within agreed boundaries for delegation) however this will not effect the accountability arrangements of the organisations. Further detail on the accountability of the Local Authorities is set out in the Memorandum of Understanding.

11. Devon Integrated Care System Diagram



Memorandum of Understanding

November 2019

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Foreword

We have agreed to develop this Memorandum of Understanding to strengthen our joint working arrangements and to support the next stage of development of our Partnership. It builds on our existing collaborative work to establish more robust mutual accountability and break down barriers between our separate organisations.

We all agree that working more closely together is the only way we can tackle the challenges we face and achieve our ambitions. This Memorandum demonstrates our clear commitment to do this.

1. Parties to the Memorandum

1.1. The members of the Devon ICS Partnership and parties to this Memorandum, are:

- Devon Partnership NHS Trust (DPT)
- Livewell Southwest (LSW)*
- Northern Devon Healthcare NHS Trust (NDHT)
- Royal Devon and Exeter NHS Foundation Trust (RDE)
- University Hospitals Plymouth NHS Trust (UHP)
- South Western Ambulance Service NHS Foundation Trust (SWASFT)**
- Torbay and South Devon NHS Foundation Trust (TSD)
- Devon County Council (DCC)
- Plymouth City Council (PCC)
- Torbay Council (TC)
- NHS Devon CCG
- NHS England
- NHS Improvement

**(n.b Although Livewell Southwest is an independent social enterprise, throughout this document the term “NHS organisations” should be read as including Livewell Southwest)*

*** (SWASFT is a partner within the Devon ICS with respect to the services that it provides within the Devon footprint. It is recognised that SWASFT will also be a partner in other ICS arrangements)*

1.2. As members of the Partnership all of these organisations subscribe to the values and behaviours stated below, and agree to participate in the governance and accountability arrangements set out in this Memorandum.

1.3. It is recognised that some of these organisations will have different roles within the ICS (e.g. provider and commissioner responsibilities). We will ensure that, at all times, organisations and their representatives are clear on the capacity in which they are acting and that there are robust systems for the management of potential conflict of interests.

Term

1.4. This Memorandum shall commence on the date of signature of the Partners. It shall be reviewed within its first year of operation to ensure it remains consistent with the evolving requirements of the Partnership as an Integrated Care System. It shall thereafter be subject to an annual review of the arrangements by the ICS Board.

Local Government role within the partnership

1.5. The Devon ICS includes three local government partners. Together, they work with the NHS as commissioning and service delivery partners, as well as exercising formal powers to scrutinise NHS policy decisions.

1.6. Within the Devon ICS Partnership the NHS organisations and Councils will work as equal partners, each bringing different contributions, powers and responsibilities to the table.

1.7. Local government's regulatory and statutory arrangements are separate from those of the NHS. Councils are subject to the mutual accountability arrangements for the partnership. However, because of the separate regulatory regime certain aspects of these arrangements will not apply. Most significantly, Councils would not be subject a single NHS financial control total and its associated arrangements for managing financial risk. However, through this Memorandum, Councils agree to align planning, investment and performance improvement with NHS partners where it makes sense to do so. In addition, democratically elected councillors will continue to hold the partner organisations accountable through their formal Scrutiny powers.

Partners in Local Places

1.8. All of the Councils, CCGs and Healthcare Providers will be part of their respective local place-based partnership arrangements. The extent and scope of these arrangements is a matter for local determination, but they typically include elements of shared commissioning, integrated service delivery, aligned or pooled investment and joint decision-making.

2. Introduction and context

2.1. This Memorandum of Understanding is an agreement between the Devon health and care partners. It sets out the details of our commitment to work together in partnership to realise our shared ambitions to improve the health of the people who live in our area, and to improve the quality of their health and care services.

2.2. Our partnership is not a new organisation, but a new way of working to meet the diverse needs of our citizens and communities. NHS services will come together with local authorities, charities and community groups to agree how we can improve people's health and improve the quality of their health and care services.

2.3. We published our first high level proposals to close the health, care and finance gaps that we face in 2016. Since then we have made significant progress to build our capacity and infrastructure and establish the governance arrangements and ways of working that will enable us to achieve our aims.

Purpose

2.4. The purpose of this Memorandum is to formalise and build on these partnership arrangements. It does not seek to introduce a hierarchical model; rather it provides a mutual accountability framework, based on principles of subsidiarity, to ensure we have collective ownership of delivery. It also provides the basis for a refreshed relationship with national oversight bodies.

2.5. The Memorandum is not a legal contract. It is not intended to be legally binding and no legal obligations or legal rights shall arise between the Partners from this Memorandum. It is a formal understanding between all of the Partners who have each entered into this Memorandum intending to honour all their obligations under it. It is based on an ethos that the partnership is a servant of the people in Devon and of its member organisations. It does not replace or override the legal and regulatory frameworks that apply to our statutory NHS organisations and Councils. Instead it sits alongside and complements these frameworks, creating the foundations for closer and more formal collaboration.

2.6. Nothing in this Memorandum is intended to, or shall be deemed to, establish any partnership or joint venture between the Partners to the Memorandum, constitute a Partner as the agent of another, nor authorise any of the Partners to make or enter into any commitments for or on behalf of another Partner.

2.7. The Memorandum should be read in conjunction with the System Assurance Framework.

Our shared values and behaviours

2.8. We commit to behave consistently as leaders and colleagues in ways which model and promote our shared values:

- We are leaders of our organisation, our place and of Devon.
- We support each other and work collaboratively;
- We act with honesty and integrity, and trust each other to do the same;
- We challenge constructively when we need to;
- We assume good intentions; and
- We will implement our shared priorities and decisions, holding each other mutually accountable for delivery.

Developing new collaborative relationships

2.9. Our approach to collaboration begins in each of the 31 Primary Care Networks (PCNs) which make up Devon, in which GP practices work together, with community and social care services, to offer integrated health and care services for populations of 20,000-60,000 people. These integrated neighbourhood services focus on preventing ill health, supporting people to stay well, and providing them with high quality care and treatment when they need it.

2.10. Neighbourhood services sit within each of our local places. These places are the primary units for partnerships between NHS services, local authorities, charities and community groups, which work together to agree how to improve people's health and improve the quality of their health and care services.

2.11. The focus for these partnerships is moving increasing away from simply treating ill health to preventing it, and to tackling the wider determinants of health, such as housing, employment, social inclusion and the physical environment.

2.12. These place-based partnerships are key to achieving the ambitious improvements we want to see. However, we have recognised that there also clear benefits in working together across a wider footprint and that local plans need to be complemented with a common vision and shared plan for Devon as a whole. We apply three tests to determine when to work at this level:

- to achieve a critical mass beyond local population level to achieve the best outcomes;
- to share best practice and reduce variation; and
- to achieve better outcomes for people overall by tackling 'wicked issues' (ie, complex, intractable problems).

2.13. The Partners acknowledge the statutory and regulatory requirements which apply in relation to competition, patient choice and collaboration. Within the

constraints of these requirements we will aim to collaborate, and to seek greater integration of services, whenever it can be demonstrated that it is in the interests of patients and service users to do so.

2.14. The Partners are aware of their competition compliance obligations, both under competition law and, in particular (where applicable) under the NHS Improvement Provider Licence for NHS Partners and shall take all necessary steps to ensure that they do not breach any of their obligations in this regard. Further, the Partners understand that in certain circumstances collaboration or joint working could trigger the merger rules and as such be notifiable to the Competition and Markets Authority and Monitor/NHS Improvement and will keep this position under review accordingly. (n.b. it is recognised that proposed changes to the legislation concerning competition in the NHS are under consideration)

2.15. The Partners understand that no decision shall be made to make changes to services in Devon or the way in which they are delivered without prior consultation where appropriate in accordance with the partners' statutory and other obligations.

3. Partnership Governance and Accountability

3.1. The Partnership does not replace or override the authority of the Partners' Boards and governing bodies. Each of them remains sovereign and Councils remain directly accountable to their electorates.

3.2. The Partnership provides a mechanism for collaborative action and common decision-making for issues which are best tackled on a wider scale.

3.3. A single consistent approach for assurance and accountability between Partners on Devon system wide matters will be applied through the governance structures and processes. The details of these arrangements are set out in our System Assurance Framework.

A new model of mutual accountability

3.4. Through this Memorandum the Partners agree to take a collaborative approach to, and collective responsibility for, managing collective performance, agreed collective resources and the totality of population health. The partners will:

- Agree ambitious outcomes, common datasets and dashboards for system improvement and transformation management;
- work through our formal collaborative groups for decision making, engaging people and communities across Devon; and
- identify good practice and innovation in individual places and organisations and ensure it is spread and adopted through the Programmes.

3.5. The Partnership approach to system oversight will be geared towards performance improvement and development rather than traditional performance

management. It will be data-driven, evidence-based and rigorous. The focus will be on improvement, supporting the spread and adoption of innovation and best practice between Partners.

3.6. Peer review will be a core component of the improvement methodology. This will provide valuable insight for all Partners and support the identification and adoption of good practice across the Partnership.

3.7. System oversight will be undertaken through the application of a continuous improvement cycle, including the following elements:

- Monitoring performance against key standards and plans in each place;
- Ongoing dialogue on delivery and progress;
- Identifying the need for support through a clinically and publicly-led process of peer review;
- Agreeing the need for more formal action or intervention on behalf of the partnership; and
- Application of regulatory powers or functions.

National NHS Bodies oversight and escalation

3.8. As part of the development of the Partnership and the collaborative working between the Partners under the terms of this Memorandum, NHS England and NHS Improvement will look to adopt a new relationship with the Partners (which are NHS Bodies) in Devon in the form of enacting streamlined oversight arrangements under which:

- Partners will take the collective lead on oversight of trusts and CCGs and Places in accordance with the terms of this Memorandum;
- NHS England and NHS Improvement will in turn focus on holding the NHS bodies in the Partnership to account as a whole system for delivery of the NHS Constitution and Mandate, financial and operational control, and quality (to the extent permitted at Law);
- NHS England and NHS Improvement intend that they will intervene in the individual trust and CCG Partners only where it is necessary or required for the delivery of their statutory functions and will (where it is reasonable to do so, having regard to the nature of the issue) in the first instance look to notify and work through the Partnership to seek a resolution prior to making an intervention with the Partner.

4. Decision-Making and Resolving Disagreements

4.1. Our approach to making Partnership decisions and resolving any disagreements will follow the principle of subsidiarity. We will take all reasonable steps to reach a mutually acceptable resolution to any dispute.

Collective Decisions

4.2. There will be three levels of decision making:

- **Decisions made by individual organisations** - this Memorandum does not affect the individual sovereignty of Partners or their statutory decision-making responsibilities.
- **Decisions delegated to collaborative forums** - some partners have delegated specific decisions to a collaborative forum, for example the ICS Board. Arrangements for resolving disputes in such cases will be set out in the Terms of Reference of that forum.
- **Whole Partnership decisions** - the Partners will make decisions on a range of matters in the Partnership which will neither impact on the statutory responsibilities of individual organisations nor have been delegated formally to a collaborative forum.

4.3. Collaborative decisions on Partnership matters will be considered by the ICS Board. The ICS Board has no formal powers delegated by any Partner. However, it will increasingly take on responsibility for co-ordinating decisions relating to regulatory and oversight functions currently exercised from outside the Devon system and will look to reach recommendations and any decisions on a best for Devon basis. The terms of reference for the ICS Board will set out clearly the types of decision which it will have responsibility to discuss and how conflicts of interest will be managed. The ICS Board will initially have responsibility for decisions relating to:

- The objectives of priority work programmes and workstreams
- The apportionment of NHS transformation monies from national bodies
- Priorities for NHS capital investment across the Partnership.
- Operation of the single NHS financial control total (for NHS Bodies)
- Agreeing common actions when Places or Partners become distressed
- The management of system performance improvement.

4.4. Executive Leadership Team will make recommendations to the ICS Board on these matters. Where appropriate, the ICS Board will make decisions of the Partners by consensus of those eligible ICS Board members present at a quorate meeting. If a consensus decision cannot be reached, then (save for decisions on allocation of capital investment and transformation funding) it may be referred to the dispute resolution procedure under Paragraph 4.6 below by any of the affected Partners for resolution.

4.5. In respect of priorities for capital investment or apportionment of transformation funding from the Partnership, if a consensus cannot be reached at the Executive Leadership Team meeting to agree this then the Partnership Board may make a decision provided that it is supported by not less than 75% of the eligible ICS Board members. ICS Board members will be eligible to participate on issues which apply to their organisation.

Dispute resolution

4.6. Partners will attempt to resolve in good faith any dispute between them in respect of ICS Board (or other Partnership-related) decisions, in line with the Values and Behaviours set out at 2.8 in this Memorandum.

4.7. Where necessary, Place-based arrangements will be used to resolve any disputes which cannot be dealt with directly between individual Partners, or which relate to existing schemes of delegation.

4.8. The Partnership will apply a dispute resolution process to resolve any issues which cannot otherwise be agreed through these arrangements.

4.9. As decisions made by the Partnership do not impact on the statutory responsibilities of individual organisations, Partners will be expected to apply shared Values and Behaviours and come to a mutual agreement through the dispute resolution process.

4.10. The key stages of the dispute resolution process are

- i. The Partners will seek to resolve the dispute to the mutual satisfaction of each of the affected parties. If the Partners cannot resolve the dispute within 30 days, the dispute should be referred to Executive Leadership Team
- ii. Executive Leadership Team will come to a majority decision (i.e. a majority of eligible Partners participating in the meeting who are not affected by the matter in dispute) on how best to resolve the dispute, applying the Values and Behaviours of this Memorandum, taking account of the objectives of the Partnership. Executive Leadership Team will advise the Partners of its decision in writing.
- iii. If the parties do not accept the Executive Leadership Team decision, or Executive Leadership Team cannot come to a decision which resolves the dispute, it will be referred to an independent facilitator selected by ICS Board. The facilitator will work with the Partners to resolve the dispute in accordance with the terms of this Memorandum.
- iv. In the unlikely event that the independent facilitator cannot resolve the dispute, it will be referred to the ICS Board. The ICS Board will come to a majority decision on how best to resolve the dispute in accordance with the terms of this Memorandum and advise the parties of its decision.

5. Financial Framework

5.1. All NHS organisations in Devon are ready to work together, manage risk

together, and support each other when required. The Partners are committed to working individually and in collaboration with others to deliver the changes required to achieve financial sustainability.

5.2. A set of financial principles have been agreed, within the context of the broader guiding Principles for our Partnership. They confirm that we will:

- Return to living within our means, i.e. the resources that we have available to provide services and deliver against our LTP financial trajectories.
- develop a Devon system response to the financial challenges we face; and
- develop payment and risk share models that support a system response rather than work against it.
- Move towards allocating resources to our system using National Resource Allocation principles

5.3. We will collectively manage our NHS resources so that all Partner organisations will work individually and in collaboration with others to deliver the changes required to deliver financial sustainability.

Living within our means and management of risk

5.4. Through this Memorandum the collective NHS Partner leaders in each Place commit to demonstrate robust financial risk management. This will include agreeing action plans that will be mobilised across the system in the event of the emergence of financial risk outside plans. This might include establishing a system risk reserve where this is appropriate and in line with the legal obligations of the respective NHS body Partners involved.

5.5. Subject to compliance with confidentiality and legal requirements around competition sensitive information and information security the Partners agree to adopt an open-book approach to financial plans and risks in each Place leading to the agreement of fully aligned operational plans. Aligned plans will be underpinned by common financial planning assumptions on income and expenditure between providers and commissioners, and on issues that have a material impact on the availability of system financial incentives

NHS Contracting principles

5.6. The NHS Partners are committed to considering the adoption of payment models which are better suited to whole system collaborative working (such as Aligned Incentive Contracting). The Partners will look to adopt models which reduce financial volatility and provide greater certainty for all Partners at the beginning of each year of the planned income and costs.

Allocation of Transformation Funds

5.7. The Partners intend that any NHS transformation funds made available to the Partnership will be used within the Places. Funds will be allocated through collective decision-making by the Partnership in line with agreed priorities. The

method of allocation may vary according to agreed priorities. However, funds will not be allocated through expensive and protracted bidding and prioritisation processes and will be deployed in those areas where the Partners have agreed that they will deliver the maximum leverage for change and address financial risk.

5.8. The NHS funding provided to Places (based on weighted population, or other formula agreed by the Partners) will directly support Place-based transformation programmes. This will be managed by each Place with clear and transparent governance arrangements that provide assurance to all Partners that the resource has been deployed to deliver maximum transformational impact, to address financial risk, and to meet the efficiency requirements. Funding will be provided subject to agreement of clear deliverables and outcomes by the relevant Partners in the Place through the mutual accountability arrangements and be subject to on-going monitoring and assurance from the Partnership.

5.9. Funding provided to the Programmes will be determined in agreement with Partners through the Executive Leadership Team, subject to documenting the agreed deliverables and outcomes with the relevant Partners.

Allocation of ICS capital

5.10. The Partnership will play an increasingly important role in prioritising NHS capital spending by the national bodies over and above that which is generated from organisations' internal resources. In doing this, the Partnership will ensure that:

- the capital prioritisation process is fair and transparent;
- there is a sufficient balance across capital priorities specific to Place as well as those which cross Places;
- there is sufficient focus on backlog maintenance and equipment replacement in the overall approach to capital;
- the prioritisation of major capital schemes must have a clear and demonstrable link to affordability and improvement of the financial position;
- access to discretionary capital is linked to the mutual accountability framework as described in this Memorandum.

6. National and regional support

6.1. To support Partnership development as an Integrated Care System there will be a process of aligning resources from ALBs to support delivery and establish an integrated single assurance and regulation approach.

6.2. National capability and capacity will be available to support Devon from central teams including governance, finance and efficiency, regulation and competition, systems and national programme teams, primary care, urgent care, cancer, mental health, including external support.

7. Variations

7.1. This Memorandum, including the Schedules, may only be varied by written agreement of all the Partners.

8. Charges and liabilities

8.1. Except as otherwise provided, the Partners shall each bear their own costs and expenses incurred in complying with their obligations under this Memorandum.

8.2. By separate agreement, the Parties may agree to share specific costs and expenses (or equivalent) arising in respect of the Partnership between them.

8.3. Partners shall remain liable for any losses or liabilities incurred due to their own or their employee's actions.

9. Information Sharing

9.1. The Partners will provide to each other all information that is reasonably required in order to achieve the objectives and take decisions on a best for Devon basis.

9.2. The Partners have obligations to comply with competition law. The Partners will therefore make sure that they share information, and in particular competition sensitive information, in such a way that is compliant with competition and data protection law.

10. Confidential Information

10.1. Each Partner shall keep in strict confidence all Confidential Information it receives from another Partner except to the extent that such Confidential Information is required by Law to be disclosed or is already in the public domain or comes into the public domain otherwise than through an unauthorised disclosure by a Partner. Each Partner shall use any Confidential Information received from another Partner solely for the purpose of complying with its

obligations under this Memorandum and for no other purpose. No Partner shall use any Confidential Information received under this Memorandum for any other purpose including use for their own commercial gain in services outside of the Partnership or to inform any competitive bid without the express written permission of the disclosing Partner.

10.2. To the extent that any Confidential Information is covered or protected by legal privilege, then disclosing such Confidential Information to any Partner or otherwise permitting disclosure of such Confidential Information does not constitute a waiver of privilege or of any other rights which a Partner may have in respect of such Confidential Information.

10.3. The Parties agree to procure, as far as is reasonably practicable, that the terms of this Paragraph (Confidential Information) are observed by any of their respective successors, assigns or transferees of respective businesses or interests or any part thereof as if they had been party to this Memorandum.

10.4. Nothing in this Paragraph will affect any of the Partners' regulatory or statutory obligations, including but not limited to competition law.

11. Additional Partners

11.1. If appropriate to achieve the objectives, the Partners may agree to include additional partner(s) to the Partnership. If they agree on such a course the Partners will cooperate to enter into the necessary documentation and revisions to this Memorandum if required.

11.2. The Partners intend that any organisation who is to be a partner to this Memorandum (including themselves) shall commit to the ownership of the system success/failure as set out in this Memorandum.

12. Signatures

12.1. This Memorandum may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original of this Memorandum, but all the counterparts shall together constitute the same document.

12.2. The expression "counterpart" shall include any executed copy of this Memorandum transmitted by fax or scanned into printable PDF, JPEG, or other agreed digital format and transmitted as an e-mail attachment.

12.3. No counterpart shall be effective until each Partner has executed at least one counterpart.

Signatures



Meeting: Cabinet

Date: 4th February 2020

Wards Affected: All wards

Report Title: Domestic Abuse Charter for Employees

Is the decision a key decision? No

When does the decision need to be implemented? 4th February 2020

Executive Lead Contact Details: Christine Carter, Cabinet Member for Corporate and Community Services, (01803) 207087, Christine.Carter@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Director of Corporate Services, (01803) 207160, Anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The GMB Trade Union has developed a Charter for employers with recommended actions to support employees who may be experiencing Domestic Abuse. GMB has recommended that Torbay Council adopt the Charter and sign-up to the pledges within it.
- 1.2 The Charter supports the work that Torbay Council is doing in regard to the wellbeing of its workforce and raising awareness of Domestic Abuse. This also supports the Council's wider corporate priorities in working with and supporting our communities.

2. Reason for Proposal and associated financial commitments

- 2.1 Torbay Council is an employer who cares about the impact of Domestic Abuse on its' employees. The introduction of the Charter will provide a strategic approach in supporting this commitment and an overarching framework of actions in which to demonstrate this.
- 2.2 The Charter sets out some practical actions to support employees who are experiencing Domestic Abuse. These actions will be delivered by the Staff Wellbeing Group as part of their action plan.
- 2.3 There are no direct financial implications in regard to the proposals contained within this report.

3. Recommendation(s) / Proposed Decision

- (i) that the Domestic Abuse Charter and pledge set out at Appendix 1 to the submitted report be approved.
- (ii) that all Councillors take an active role in supporting and promoting Domestic Abuse awareness across the Council's workforce.

Appendices

Appendix 1: GMB Domestic Abuse Charter.

Appendix 2: Domestic Abuse and Sexual Violence Policy

Background Documents

None

Section 1: Background Information

1.	What is the proposal / issue? The GMB Trade Union has developed a Charter for employers with recommended actions to support employees who may be experiencing Domestic Abuse. GMB has recommended that Torbay Council adopt the Charter and sign-up to the pledges within it. The Charter supports the work that Torbay Council is doing in regard to the wellbeing of its workforce and raising awareness of Domestic Abuse. This also supports the council's wider corporate priorities in working with and supporting our communities.
2.	What is the current situation? Torbay Council already has a policy on Domestic Abuse and Sexual Violence (Appendix 2). The Charter and the pledges within it support the guidance within the policy, further awareness about Domestic Abuse for staff has already been identified by the Staff Wellbeing Group within its action plan. The approval of Charter will provide a more strategic approach to the delivery of this commitment.
3.	What options have been considered? There is the option not to approve the GMB Charter however in not doing so, the Council will be remiss in its commitment to fully supporting staff who may be experiencing domestic abuse.
4.	What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles? Priorities: <ul style="list-style-type: none">• Thriving People and Communities• A Thriving Economy Principles: <ul style="list-style-type: none">• Reduce demand through prevention and innovation• Integrated and joined up approach
5.	How does this proposal/issue contribute towards the Council's responsibilities as corporate parents? The Council wants to ensure that staff who may be experiencing domestic abuse are fully supported within the workplace if they raise a concern and/or need help. It is recognised that many of these staff may be parents or carers

	<p>therefore it is important that any children affected by the situation are also receiving the right care and support.</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Domestic Abuse can affect mental health and vice versa, therefore, through the adoption of the Charter, the Council's Staff Wellbeing Group can further build on the mental health support for staff that is already in place. Many of the Council's staff live within Torbay and so it is hoped that through effective awareness raising with staff and ensuring that the right support and advice is in place will have a wider community impact.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>If approved, the Charter and pledges within it will be made accessible to all staff and will be applied equally. Where staff identify an individual need, this will be discussed with them and any adjustments required will be put into place.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>Torbay Council employees and those within the Council's Maintained Schools. The Charter is intended to support the Council's workforce therefore wider community engagement will not be needed at this stage.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>There are no direct financial or legal implications associated with this proposal.</p>
10.	<p>What are the risks?</p> <p>There are no risks associated in approving this proposal.</p> <p>Risks if not approving this proposal are likely to be lack of awareness of domestic abuse across the workforce and reputation to the Council where other employers are adopting the same/similar Charters.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>No goods or services are identified at this present time.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The GMB Trade Union has recommended that the Council approve the Domestic Abuse Charter. This is based on the work they have carried out in supporting staff in different workplaces and the detrimental impact that domestic abuse can have on individuals and their families.</p> <p>The Equality and Human Rights Commission recommends that having a domestic abuse policy in place and the right information and support can enable those experiencing domestic abuse to safely access services and information that can ultimately save their lives. The Charter further supports the Council's policy and its commitment to supporting staff experiencing Domestic Abuse:-</p> <p>https://www.equalityhumanrights.com/en/advice-and-guidance/domestic-abuse-workplace-policies-and-managing-and-supporting-employees</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>That by not providing the right support and advice to staff who are experiencing Domestic Abuse can have a detrimental impact upon individuals and their families. Raising awareness and taking action to support staff can help to save lives.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p>

	<p>No mitigating actions have been identified at this stage however the Staff Wellbeing Group will review progress against the Charter as part of their action plan.</p>
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Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact.
	People with caring Responsibilities			No differential impact.
	People with a disability		Staff with a learning disability or other disability unable to access the policy. Ensuring that the policy and Charter are easily accessible and that staff with individual needs know where and how to access the right help and advice via signposting.	
	Women or men			No differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>		Staff unable to access the policy due to translation or language difficulties. Ensuring that the policy and Charter are easily accessible and that staff with individual needs know where how to access the right help and advice via signposting.	
	Religion or belief (including lack of belief)			No differential impact.
	People who are lesbian, gay or bisexual			No differential impact.


	People who are transgendered			No differential impact.
	People who are in a marriage or civil partnership			No differential impact.
	Women who are pregnant / on maternity leave			No differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Staff who have families will be more aware of the support and advice available to them if they are experiencing DA.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Staff who are experiencing a mental health issue as a result of domestic abuse or vice versa are assured of the support within the workplace and signposting to the right services.		
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Community Safety due to the wider impact of awareness raising with the workforce. Public Health in relation to support for staff with mental health issues.		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Community mental health and domestic abuse support services.		

Work to Stop Domestic Abuse – GMB Employer Charter

As an employer who cares about the impact of domestic abuse on our employees, we pledge to:

- 1. Support employees who are experiencing Domestic Abuse to access support services and information confidentially.**
- 2. Ensure that those experiencing Domestic Abuse will not be disadvantaged within the terms and conditions of their employment and will take all reasonable measures to facilitate any needs in the workplace.**
- 3. Commit to working/participating with other organisations to facilitate best support for those experiencing Domestic Abuse.**
- 4. Provide all employees with access to toolkits, information and our policies on domestic abuse, in a format that is easily and discretely accessible within the workplace.**
- 5. Ensure that we have employees trained across our organisation, to provide adequate access to support within the workplace for all employees. Staff trained should be representative of our workplace and will include line managers and Trade Union representatives.**

Sign:

The GMB logo consists of the letters 'GMB' in a bold, white, sans-serif font, centered within an orange square.The word 'UNION' is written in a white, spaced-out, sans-serif font, centered within a black rectangular box.

are you ok?
ask the question - make a difference

November 2015

Domestic Abuse & Sexual Violence Policy

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This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207366

1 Scope

This policy will apply to all Council employees.

1 Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

2 Introduction

This policy supports our work towards a safer community and recognises that as a major employer in the Bay, our employees will be amongst those affected by domestic abuse and sexual violence.

How much of an issue is domestic abuse and sexual violence?

- At least one in four women, one in six men and one in four lesbian, gay, bisexual or transgender people will experience domestic abuse at some point in their lives.
- 30% of domestic abuse cases start in pregnancy.
- In 90 per cent of incidents children are present or in the next room.
- UK Police receive a call for assistance in relation to a domestic abuse incident every minute.
- On average two women in the UK are killed by a partner or ex-partner each week and 30 men per year are killed in the same way.
- Domestic abuse, sexual violence and stalking can happen to anyone of any age, social class, and culture, whatever their sexual orientation, mental or physical ability.
- Anyone could experience some form of sexual violence during their lifetime. Most sexual assaults and rapes are carried out by someone known to the victim.
- **Between April 2014 and March 2015 there were 3474 incidents of domestic abuse reported to the Police in Torbay, and 246 separate sexual offences.**

3 Aims of this Policy

- To send out a **strong message** that domestic abuse, sexual violence and stalking are unacceptable
- To make employees who are experiencing personal safety issues outside of work **aware** that they will be **supported** at work.
- To provide **guidance** to Managers on how to support employees who may be living with domestic abuse at home or whose lives have been affected as a result of sexual violence.
- To increase **awareness** and understanding of domestic abuse, sexual violence and stalking.
- To develop an effective and supportive **response** to personal safety issues being experienced by employees.
- To offer **practical suggestions** and make employees aware of what help and support is available.
- To **reduce the impact** of domestic abuse, sexual violence or stalking on an employee's working life.
- To **reduce the risk** of violence in the workplace as a result of an abusive person entering the building unannounced.

4 Definition

The Home Office definition of domestic abuse is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed to independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

4.1 Sexual Violence or Abuse

Any sexual encounter without consent, including any unwanted touching or forced sexual activity. Both men and women, whether heterosexual or homosexual, can experience sexual abuse. A perpetrator of sexual abuse may be a stranger but more commonly will be someone the victim knows. Historic sexual abuse can have a long term effect on someone's mental health.

4.2 Stalking

A series of acts which are intended to cause harassment to another person. It involves following the victim, threatening or repeated phone calls, coming to the victim's place of employment, leaving written messages or objects (including unwanted gifts) and vandalising the victim's property.

4.3 Cyber-stalking

The use of the Internet to harass or threaten someone repeatedly. Involving e-mail, harassment in live chat situations, leaving inappropriate messages on message boards or guest books, sending viruses, or electronic identity theft.

5 Support available from the Council

We aim to provide a supportive environment for any employee who is experiencing domestic abuse, sexual abuse or stalking.

We have separate policies available that might help an employee deal with the effects of domestic abuse, for example the **Acceptable Behaviour Policy** and the **Violent, Aggressive and Threatening Behaviour Policy**.

5.1 Responding to issues of abuse or stalking – our policy

Employees who make it known that they are experiencing domestic abuse, stalking or sexual abuse will receive a supportive response; they will not be judged, discriminated against or ridiculed by any other employee.

All employees experiencing personal safety issues will have access to the same degree of support, regardless of race, religion, age, gender, sexuality or disability or whether or not they have children. Managers will not make assumptions about what action is appropriate for individual employees and actions will be discussed and agreed with the employee.

5.2 Confidentiality

Any discussions between the manager and employee will be treated in confidence. However, in some circumstances this confidence will need to be broken in order to protect children or vulnerable adults.

The employee will be advised before informing others. Any information will be provided on a need-to-know basis and will be disclosed in accordance with relevant legislation.

5.3 Counselling

We provide a free, confidential counselling service for all employees. Contact the Counselling Co-ordinator on 01803 207359 or the 24-hour answer phone 207349, in confidence, to make an appointment.

5.4 Additional Support

For many people experiencing domestic abuse, stalking or sexual abuse, the work place is often the only safe place that they can seek help. Where an employee decides to tell their manager about their problems, managers should do all they can to accommodate the employee's needs. An employee may require additional leave, for appointments with a solicitor or a doctor, for example. The flexi-time scheme should be used to accommodate leave wherever possible. If the employee is not able to use the flexi-time scheme and annual leave entitlement has been exhausted, additional leave with or without pay may be granted in special circumstances at the discretion of the Executive Head. Any requests will be treated sympathetically.

5.5 Post Incident Support

Please refer to the Violent, Aggressive and Threatening Behaviour (VATB) Policy **VATB** for guidance on the support (legal, emotional and financial) and procedures following an incident of VATB towards and employee, in circumstances relating to their work.

Following an incident of violent, aggressive or threatening behaviour including that relating to domestic abuse on Council premises, an Accident/Occurrence form should be completed and forwarded to the Health and Safety Team. It is essential that all significant incidents are reported and recorded, to gather evidence if needed for legal proceedings and to monitor incidents across the Council. For advice on completing the form please seek further advice from the Health and Safety Team on 01803 207161.

6 Security

6.1 Risk Assessment

A **domestic abuse risk assessment** (DASH) should be carried out for an employee experiencing domestic abuse, sexual abuse or stalking. Before completing this form with an employee, the guidance notes should be read through very carefully. In Torbay, anyone who scores 14 or above on the DASH should be referred to the MARAC (see contact details on page 10). If a Line Manager requires support to complete a DASH, Torbay Domestic Abuse Service (TDAS) can be contacted for advice. There is also a Domestic Abuse e-learning module on **iLearn** under the Torbay Safeguarding Children area.

Reasonable additional measures will be taken by managers to protect employees experiencing safety issues while travelling between work and home, whilst at work or when carrying out Council duties, and for any colleagues who may be exposed to additional risk.

6.2 Names in the public domain

All employees should be aware of the information held about them, which may also be available to the public, including:

- Information contained in reference material and notice boards held by the Council.
- Details available on the Website (Data Protection requires employees to be consulted about details to be included).
- E-mail address format i.e. **John.Smith@torbay.gov.uk** - leaves no ambiguity.
- The name used for work purposes, for example it may be preferable to use a professional name.

Managers will ensure that reasonable additional measures are taken to protect personal information (telephone numbers, addresses, working hours) regarding those who are known to be experiencing safety issues outside work.

6.3 Council premises

A perpetrator (the person carrying out the abuse) may try to enter Council premises. In these circumstances managers should ask the perpetrator to leave. If they will not, managers should contact CCTV on 01803 310403 / 07920 275642 who will inform the Police.

It may be possible to change an employee's role and place of work temporarily, if this reduces the level of risk to them. This would need to be agreed.

6.4 Perpetrators

It is generally accepted that there are more men who abuse women than women who abuse men, but anyone can be a perpetrator of domestic abuse including parents, children and abuse within a same sex relationship.

Individuals who are the perpetrators of domestic violence are encouraged to seek support and help from an appropriate source. Information can be gained from **Respect** (0808 802 4040) an advice and information helpline for people who are abusive towards their partners and want help to stop.

If the alleged perpetrator is also one of our employees it may be appropriate to refer to the following policies:

- **Violent, Aggressive and Threatening Behaviour Policy**
- **Drug and Alcohol Misuse Policy**
- **Acceptable Behaviour Policy**
- **Grievance and Disciplinary Procedures**

7 Guidance for Managers

All staff should have completed the mandatory i-Learn module “Induction to Safeguarding Children and Adults” which can be found in the All Staff area of iLearn. If you feel you need a better understanding of domestic abuse and the impact it has, there are further i-Learn modules available such as : Introduction to Domestic Abuse in the children and Young Peoples Workforce area on iLearn. <http://torbay.learningpool.com/>

Further information on the signs of abuse and what support is available locally and nationally can be found on the **Are You OK** website. This will be useful for both you and your member of staff.

Sometimes your own feelings about abuse may make it difficult for you to deal with the situation. It is important to keep yourself safe as well as your staff and if necessary you should seek support for yourself.

If the victim of domestic abuse is a child or vulnerable adult, or if there are concerns that either is living in an environment surrounded by domestic violence, the manager should refer the issue to Children’s Safeguarding or the Police Domestic Abuse Unit. Safeguarding is everyone’s responsibility.

No matter what form of abuse, sexual violence or harassment the employee is experiencing, encourage them to report it to the police. Bear in mind not everyone will be ready to take that step.

7.1 Disclosure

You may be the only person an employee has told about their situation and it will have taken a lot of courage for them to speak up.

- Let them talk freely
- Listen carefully and sympathetically
- Don’t judge
- Let them know you are there for them and that they will be fully supported
- Tell them it is not their fault
- Tell them your conversations will be confidential unless there is a safeguarding concern for a child or children, themselves or another vulnerable adult
- Ask if they wish a colleague to be present

7.2 Assess the risk

- Complete the **DASH Risk Checklist** together with the employee (read the guidance before you start).
- If they score 14 or over they should be referred into the MARAC torbaydau@devonandcornwall.pnn.police.uk. Consent is needed unless there is a safeguarding concern (e.g. threat to life).
- Find out if they have left the relationship/moved out/intend to leave. The point of leaving or just after can be the most dangerous time for a victim of domestic abuse.

7.3 Safeguarding arrangements at work

Consider the level of risk (high / medium / low):

- Do they need support getting to and from work?
- Does their job make them more visible / accessible?
- Would they benefit from a temporary change of role / place of work?
- Would it help to alter their working hours?
- Any agreed special arrangements should be recorded and filed confidentially.
- Is there any risk to colleagues that needs to be considered?
- Do you need to make anyone else aware of the situation (e.g. reception or security). The employee will need to agree to information being shared.
- Change telephone extension information so external callers can't be put straight through.
- Consider using a professional name for work purposes / change ID card accordingly
- Consider email access. Could they be targeted by email?
- Any threatening phone calls or emails or contact constituting harassment of any kind should be documented

7.4 Safeguarding arrangements at home

- Advice on safety planning can be found on the Planning to Leave and Planning to Stay sections of the [Are You OK](#) website.
- Further consideration will need to be given to any **children** in the family and how to keep them safe. The above link gives practical advice for your member of staff.

7.5 General

Discuss the support that we can offer:

- Counselling Service
- Time off work
- Special working arrangements

Go through other relevant HR policies or Services that might be useful e.g. Leave Arrangements, Flexible Working, Occupational Health.

- Highlight the Are You OK website which contains useful information and a directory of services, including [Torbay Domestic Abuse Service](#), the Samaritans, mental health, drug and alcohol services.
- Reiterate that if they ever feel in immediate danger to **DIAL 999** and contact the police.
- **Encourage them to report the abuse to the police.**

8 Guidance for Employees

If **you are experiencing domestic abuse or have suffered from sexual violence or abuse**, support is available. Look on the **Are You Ok** website for advice, guidance and contact information.

General awareness elearning regarding Domestic Violence and Abuse is available via iLearn.

8.1 If you are experiencing domestic abuse

- Recognise that it is happening to you. Be aware that some abusers will apologise for their actions and persuade their partners that the abuse will not happen again, but the abuse usually gets worse.
- Accept that **you are not to blame**.
- Get help and advice; the most important thing to do is tell someone **you trust**.

8.2 If you have experienced sexual abuse

- Whether this is historic abuse or you have experienced something recently, support is available.
- You don't have to report it to the police, although that is recommended, but if it is a very recent incident; contact the SARC who can advise you about your options.
- Devon Rape Crisis Service can offer help, advice and support (including one to one support) for women who have experienced sexual violence or abuse at any time during their life.

8.3 If you are being stalked

- Record **any** incident you are suspicious of (telephone calls, sightings, cars, post).
- Change your phone number but keep the old phone to track their calls.
- Change your normal routes of travel & places you visit

8.4 If you are being cyber-stalked

- Change your e-mail accounts.
- Change your phone number.
- Check your privacy settings on social media accounts or better still, close them and create new ones.
- Change passwords on all online accounts, including Ebay and Amazon.
- Change passwords regularly, choose totally new passwords.

9 Further Help

9.1 Useful contact numbers

Organisation	Telephone Number	Website/Email Address
Torbay Council confidential counselling service offers a free and confidential service to all Torbay Council employees	01803 207359 or 24 hour answer phone 01803 207349	Counselling Service
Torbay Police Domestic Abuse Unit. Dial 999 in an emergency	01803 218969 (or 101)	N/A
Torbay Domestic Abuse Service (TDAS) supports male and female victims of domestic abuse in Torbay	01803 698869	TDAS: Torbay Domestic Abuse Service
Torbay Refuge provides temporary safe accommodation for women and children fleeing domestic abuse	01903 698869	
Are you OK? Website information and service directory for victims of domestic abuse and sexual violence in Torbay	N/A	Are You OK?
National Domestic Violence Helpline provides access to 24 hour emergency refuge accommodation and information	0808 2000 247	Women's Aid helpline@womensaid.org.uk
Unison can provide support and information on domestic abuse	01823 207041	Unisontorbay@yahoo.co.uk
Broken Rainbow lesbian, gay, bisexual and transgender domestic abuse forum	0300 999 5428	Broken Rainbow
Victim Support helps people cope the effects of crime	0300 303 0554	Victim Support
Respect service for men who are looking for information and advice to stop their abusive or violent behaviour towards their partners	0808 802 4040	Respect
Mankind a support and resource service for men who have been sexually abused, sexually assaulted and/or raped	01273 911680	Mankind enquiries@mankinduk.co.uk
Paladin – National Stalking Advocacy Service CIC advice and support to high risk victims of stalking	0207 840 8960	Paladin
Children's Safeguarding Hub & MASH	01803 208100	Safeguarding Hub

SARC (Sexual Assault Referral Centre)	01392 436967	SARC
MARAC (Multi Agency Risk Assessment Conference)		torbaydau@devonandcornwall.pnn.police.uk
Devon Rape Crisis Support Service	01392 204174	Devon Rape Crisis Service
Intercom Trust offers a confidential community helpline for Lesbian, Gay, Bisexual, Transgender and Questioning people in the South West	0800 612 3010	Intercom Trust

9.2 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox – HRpolicy@torbay.gov.uk

9.3 History of Policy Changes

Date	Page	Details of Change	Agreed by:
25.02.10	Various	Updated with input from Safer Communities	TJCC
11.09.15	Various	Updated with input from Safer Communities	