

AGENDA

Meeting: **Cabinet**
Place: **Kennet Room - County Hall, Trowbridge BA14 8JN**
Date: **Tuesday 22 July 2014**
Time: **10.30 am**

Membership:

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Part I

Items to be considered while the meeting is open to the public

1 Apologies

2 Minutes of the Previous Meeting (Pages 1 - 8)

To confirm and sign the minutes of the Cabinet meeting held on 17 June 2014.

3 Declarations of interest

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 Leader's announcements

5 Public participation

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on 17 July 2014. Anyone wishing to ask a question or make a statement should contact the officer named above.

6 Minutes - Cabinet Committees

To receive and note the minutes of the following Cabinet Committees:

6(a) Capital Assets Committee held on 20 May 2014 (Pages 9 - 12)

6(b) Transformation Committee held on 17 June 2014 (Pages 13 - 18)

7 Adoption Agency Six Month Report (Pages 19 - 34)

Report by Terence Herbert, Associate Director - Operational Children's Services

8 Annual Governance Statement 2013/14 (Pages 35 - 64)

Report by Ian Gibbons, Associate Director of Law and Governance, and Monitoring Officer.

9 Payment of Market Supplements to Social Worker and Social Work Manager Roles (Pages 65 - 74)

Report by Corporate Directors Carolyn Godfrey and Maggie Rae

10 Urgent Items

Any other items of business, which the Leader agrees to consider as a matter of urgency.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

The items on this agenda reflect the key goals of Wiltshire Council, namely 'Work together to support Wiltshire's Communities', 'Deliver high quality, low cost, customer focused services and 'Ensure local, open, honest decision making'


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CABINET

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 17 June 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

Also in Attendance: Cllr Allison Bucknell, Cllr Richard Gamble, Cllr Jon Hubbard
Cllr David Jenkins, Cllr Simon Killane. Cllr Gordon King
Cllr Magnus Macdonald, Cllr Roy While, Cllr Philip Whitehead
and Cllr Jerry Wickham

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

60 Apologies

An apology for absence was received from Cllr Stuart Wheeler.

61 Minutes of the Previous Meeting

The minutes of the meeting held on 15 and 20 May 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meetings held on 15 and 20 May 2014.

62 Leader's Announcements

The Leader reminded the meeting that Her Royal Highness, the Duchess of Cornwall would be formally opening County Hall on Monday 23 June which would include a tour of the building, meeting staff and members. The Duchess would unveil a plaque in the Atrium to commemorate this special occasion.

63 Declarations of interest

No declarations of interest were made.

64 Public participation

The Leader explained that as usual at meetings of Cabinet, she would be more than happy to hear from any member of the public present on any of the items on this agenda.

The Leader referred to submissions received in respect of the item on Improvements at M4 Junction 16 minute no. 68 refers.

65 Wiltshire Dementia Strategy - Update on Public Consultation Process

Councillor Keith Humphries presented a report which gave Cabinet an update on the progress of the Wiltshire dementia strategy consultation process which took place between 20 February and 19 May 2014.

The strategy would provide the strategic direction for Wiltshire Council and NHS Wiltshire Clinical Commissioning Group (CCG) in supporting people with dementia and their carers and families from the point that people noticed concerns about their memory through to end of life care. It included a commissioning action plan for 2014/2015 which detailed the commitments and actions that would be delivered in order to achieve the objectives and priorities identified. It was noted that three quarters of the initiatives in the Strategy were now a statutory responsibility under the Care Act 2014.

Details of the consultation feedback were presented. All responses would be formally analysed and the draft strategy would be reviewed and amended as required. It would then proceed through the relevant governance channels in order to be formally agreed by this Council and NHS Wiltshire Clinical Commissioning Group. The Wiltshire Dementia Delivery Board would be responsible for overseeing the implementation and review of the strategy.

Councillor Jon Hubbard drew attention to the fact that this Council was investing twice as much as NHS Wiltshire into supporting people with dementia, their carers and families. He suggested that a briefing note should be prepared for

members which would explain the measures the Council was funding or supporting in this area of dementia care.

Corporate Director, Maggie Rae explained that a proportion of the nearly £15 million this Council spent on dementia care was invested in the voluntary sector through grant funding. A lot of the services provided by the voluntary sector in this area were made possible by the Council's funding. Scrutiny involvement was sought in looking how best to provide advanced dementia care.

Resolved:

That Cabinet note the consultation process and initial draft responses on the basis that following formal analysis, these would be used to review and amend the Wiltshire Dementia Strategy.

Reason for decision:

To update Cabinet on the progress of the Wiltshire dementia strategy consultation process.

66 Annual report on Treasury Management 2013-14

Councillor Dick Tonge presented the annual treasury management report for the financial year ended 31 March 2014.

Cllr Tonge guided members through the report and answered members' questions.

Resolved that Cabinet note:

- a) Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year as detailed in Appendix A of the report presented; and**
- b) investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B of the report presented.**

Reason for decision:

This report is required by the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice for Treasury Management in the Public Services.

67 Revenue and Capital Outturn Reports 2013-2014

(Revenue Outturn report 2013/14

Councillor Dick Tonge presented a report which advised of the final unaudited revenue outturn position as at 31 March 2014 for the financial year 2013/2014. The year end position stood at an underspend of £0.397 million.

Councillor Roy While updated Cabinet on the work of the Budget Task Group which he chaired.

The report explained that the housing revenue account was reporting an underspend of £2.667 million, primarily caused by the rescheduling of repairs and maintenance. Councillor Jon Hubbard asked if this meant that repairs were not being carried out to the detriment of tenants. Councillor Humphries explained that a lot of work was being undertaken in this area. It was also agreed that a meeting be arranged between Councillors Humphries and Hubbard and relevant officers to update Councillor Hubbard.

The Leader wished to place on record her and Cabinet's thanks to Managers for their careful budgeting especially over the last two quarters to come under budget despite considerable pressures.

Resolved

That Cabinet note the report showing an outturn underspend of £0.397 million, and appropriate transfers to General Fund and Earmarked reserves as set out in Sections 18-24 of the report.

Reason for decision:

That Cabinet approve the final outturn for 2013/2014.

(Capital Outturn report 2013/14

Councillor Tonge presented a report which informed Cabinet of the final outturn position of the 2013/2014 Capital Programme, including highlighting budget changes. The report focused on major variations in budget. Councillor Hubbard asked if slippages of work within the capital programme would result in corresponding savings in the revenue budget to which Councillor Tonge replied.

Resolved that Cabinet note:

- a) **The general budget additions for grants and revenue contributions of £4.980 million as per appendix B and to note the**

final outturn position of the Capital Programme in appendix A.

- b) The total reprogramming of £24.743 million from 2013/2014 to 2014/2015.**

Reason for decision:

To inform Cabinet of the position of the 2013/2014 capital programme as at Outturn (31 March 2014), including highlighting of budget change.

68 Improvements at M4 Junction 16

The Leader reported receipt of questions from Mrs Charmian Spickernell of the Council for the Protection of Rural England and comments and observations from Cllr Mollie Groom, Mr John Ingleson of Swindon, Cllr Neville Smith of Lydiard Tregoz Parish Council, details of which were circulated together with responses from Cllr Fleur de Rhé-Philippe. Cabinet also received a letter from Joyce Holman, Clerk to Wroughton Parish Council a reply to which would be circulated to all Cabinet members.

Councillor Fleur de Rhé-Philippe presented a report which followed from a previous Cabinet decision dated 30 October 2007 in relation to Junction 16 of the M4 motorway, which was to be remodelled to accommodate the Wichelstowe development in Swindon. It sought authority, not previously granted, to enter into an agreement with other parties to enable remodelling works to proceed.

Councillor Fleur de Rhé-Philippe guided members through the report and responded to queries from members of the Council and members of the public. She confirmed that all correct procedures had been followed.

Resolved:

That Cabinet:

- a) Withdraws its former resolution (WCC Cabinet 30/10/2007) to object to the remodelling of M4 motorway Junction 16, on the basis of the drawings subsequently relied upon by Swindon Borough Council to discharge Condition 99 of planning permission S/02/2000, specifically with regard to non-motorised users.**
- b) Authorises the Associate Director for Highways and Transport, in conjunction with the Head of Legal Services, to agree detailed design and negotiate an agreement, or agreements, with Swindon Borough Council and the Highways Agency to facilitate the execution of the remodelling scheme, such agreements to make provision, inter alia, for appropriate maintenance payments towards**


the additional costs to Wiltshire Council for the ongoing maintenance of the signal controlled junction.

- c) Authorises the Associate Director for Highways and Transport to review existing arrangements with the Highways Agency in relation to the management and maintenance of the traffic control signals at Junction 16.**

Reason for decision:

To ensure that Swindon Borough Council can progress the Wichelstowe development, and not be constrained by the occupancy restrictions imposed by Condition 79 of planning permission S/02/2000, as a result of Wiltshire Council's objection to aspects of the Junction 16 capacity enhancement scheme

69 City of Salisbury, Milford Hill, Britford and Old Manor Hospital Conservation Area Appraisals

 Councillor Toby Sturgis presented a report which requested approval to the de-designation of the Salisbury Conservation Area and would simultaneously authorise the designation of four separate conservation areas, as authorised by the Planning (Listed Buildings and Conservation Areas) Act 1990 for onward recommendation to Council.

The Four Conservation Area Designations and their written appraisals had been formally consulted on and were therefore in a position to be adopted by Council. The re-designation would allow four different sub-areas which would recognise the individual qualities which characterise each area.

Resolved:

That Council (21 October 2014 meeting) be recommended to:

approve the de-designation of Salisbury Conservation Area and simultaneously re-designate the same area (with minor boundary amendments) but as four separate conservation areas namely: City of Salisbury, Milford Hill, Old Manor Hospital and Britford – each with its own written and illustrated appraisal. A map showing the proposed boundary is provided as Appendix 1 to the report presented.

Reason for decision:

The Council has a responsibility to consider the designation of conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Salisbury is already a designated conservation area and re-designation of four subareas namely: the City, Milford Hill, Britford and Old Manor Hospital (Wilton Road). The proposal is to de-designate Salisbury Conservation Area and simultaneously re-designate City of Salisbury, Milford

Hill, Old Manor Hospital and Britford. Thereby, the individual qualities which characterise and make each area distinct will be recognised. Each conservation area will be accompanied by an appraisal, which will be a useful informative document for development control officers as well as the public. The status of the documents would be documents informing the Local Development Framework.

70 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 - 11.36 am)

These decisions were published on the 3 July 2014 and will come into force on 11 July 2014
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The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
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CABINET CAPITAL ASSETS COMMITTEE

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 20 May 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband

Also in Attendance:

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

10 Apologies and Substitutions

Apologies were received from Cllrs Scott, Tonge and Wheeler.

Cllrs Humphries, Mayes and Seed were substitutes.

Cllr Thomson was in the chair for the meeting.

11 Minutes of the previous meeting

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 18 March 2014.

12 Leader's Announcements

There were no announcements from the chair.

13 **Declarations of interest**

There were no declarations of interest.

14 **Public Participation**

There were no questions asked or statements made.

15 **Gypsy & Traveller Development Plan Document**

Councillor Sturgis presented the report which outlined work proposed to undertake a review and roll forward of pitch requirements in the Wiltshire Core Strategy in the form of a Gypsy and Traveller Accommodation Needs Assessment and sought member's endorsement for the arrangements being undertaken to assess land in Council ownership for inclusion as new traveller sites in the Gypsy and Traveller Development Plan Document to maintain a 5 year supply of sites in accordance with national policy.

He noted that the proposed traveller pitch requirements included in the Wiltshire Core Strategy, Core Policy 47 (as amended) seen in table 1 of the report were correct as of today but were subject to the outcome of the Gypsy and Traveller Accommodation Needs Assessment. Interviews with the travelling community were underway as part of the review on overall pitch requirements and it was expected that numbers may increase as with the settled community.

Resolved:

The Committee endorsed the arrangements being undertaken in order to assess land in Council ownership for inclusion as new traveller sites in the Gypsy and Traveller Development Plan Document to maintain a 5 year supply of sites in accordance with national policy.

Reason for proposal:

There are a number of drivers for pursuing the opportunity to include Council land in the proposed Gypsy and Traveller DPD. These include:

- i. The legal requirement in the Housing Acts for councils to provide for the accommodation needs of gypsies and travellers in its area
- ii. The requirement in national policy for councils to respond positively to the accommodation needs of travellers, a commitment the Council has also made to the Wiltshire Core Strategy Inspector
- iii. The benefits of reducing unauthorised encampments / developments
- iv. The need to provide a choice in the size, type and locations of traveller sites in Wiltshire
- v. The requirement to maintain a 5 year supply of housing included in national policy

16 **Urgent items**

There were no urgent items.

(Duration of meeting: 12.00 - 12.06 pm)

These decisions were published on the 22 May 2014 and will come into force on 30 May 2014

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CABINET TRANSFORMATION COMMITTEE

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 17 June 2014.

Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Also in Attendance:

Cllr Fleur de Rhé-Philippe
Patrick Geenty, Police Chief Constable
Dr Stephen Rowlands, Clinical Commissioning Group
Kieran Kilgallen, Chief Executive, Office of Police and Crime Commissioner
Cllr Allison Bucknell
Cllr Bill Moss

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

11 Apologies and Substitutions

Apologies were received from Cllr Wheeler.

Cllr Humphries substituted for Cllr Wheeler.

12 Minutes of the previous meeting

Resolved:

That the minutes of the meeting held on 18 March 2014 be approved as a correct record and signed by the Leader.

13 Leader's Announcements

There were no Leader's announcements.

14 Declarations of Interest

There were no declarations of interest.

15 Public Participation

It was noted that no requests for public participation had been received. The Leader did however explain that, as usual at meetings of Cabinet, she would be more than happy to hear from any member of the public present on any of the items on this agenda.

16 Neighbourhood and Operational Policing

Rachel Kirby, Systems Thinking Lead gave a detailed presentation on the work of her team in reviewing customer access and getting knowledge of Wiltshire Police Systems.

The team had spent time gaining knowledge and understanding the current operations systems; and had developed a purpose statement, "Keep me safe and protect my community", based on talking to members of the public and observed demand. Case studies had identified issues with handoffs, a number of different systems being used and the creation of preventable demand.

The police were presented with two options – to stay as they were or to move to redesign with testing. With the agreement of the police the principles of redesign were established from the check phase and the current focus is on developing a one stop 'respond, resolve, record', community focused approach for its customers. This will be tested live on new demand (a report of a theft) in the Trowbridge sector from 30 June 2014; the design will then be refined and further tested until it is fully robust in operational use. This will in turn inform what roles and structures are required. Once capacity had been released, work will focus more on being proactive in preventing crime and addressing the root causes of crime and antisocial behaviour in our communities.

The Chief Constable, Pat Geenty congratulated the team on their work to date, highlighting that Wiltshire was the only force going through an end-to-end redesigning process. Existing systems had been built up over 170 years and it was hoped that silos would be broken down and staff would be put back into the community teams. He recognised the difficulty in transitioning from one system to another and hoped that the system would expand over time, providing information on why crimes were happening and moving the focus to prevention. He welcomed the support of the Office of the Police and Crime Commissioner and the Wiltshire Public Service Board recognising the review would not work without public partnerships.

The Committee confirmed its support for the redesign, recognising the similarities between it and other projects.

When questioned on whether the redesign had the support of the Ministry of Justice, Mr Geenty noted that the permanent secretary would be visiting next week. Police on the front line had been engaged by the systems thinking team, involved in making changes and designing the right IT solution. A key part was training and ensuring it was right for the individual.

Mr Geenty noted that public satisfaction surveys had shown that Wiltshire Police were third best in the country for dealing with crime, increasing 7 points in the last 12 months. The relationship with the public was improving, possibly due to increased visibility.

The Committee thanked Rachel for her presentation.

Paul Mills gave a presentation on community engagement, including the purchase of community alert software called Neighbourhood Alert. This was currently used by Thames Valley Police who in two years had 80,000 members sign up to use it.

Neighbourhood Alert was free to sign up to, and allowed users to set preferences on the types of and frequency of messages they received. Messages could be targeted to geographical areas from county-wide to street level, or a cluster of homes. It could be used to send updates regarding crime prevention, community safety campaigns, events, news, meetings or good news stories.

It would reinvigorate Neighbourhood Watch, who had been involved in all aspects of the procurement process and would be rolled out in mid to end July to four pilot areas: Malmesbury, Pewsey, Warminster and Swindon West. Other benefits included improved communications, building trust and confidence, reduce incoming calls and reinvigorating other watch schemes. Other force areas used it and there was potential for cross-border work and for it to include other agencies in the future.

In response to questions it was confirmed that Wiltshire was working with the police as part of its digital strategy, and Neighbourhood Alert would be promoted through Area Boards and their community networks, Town and Parish Councils, resident's associations, churches with all encouraged to sign up to it. Its scope could be widened to link in with health and other opportunities.

The Committee thanked Paul for his presentation.

17 **Systems Review - Better Care for the frail elderly**

John Rogers, Head of Systems Thinking and Customer Access, gave a presentation on the system review of intermediate care that had been started as

a result of the Better Care Plan, a new government initiative on care for the frail elderly.

He detailed the complex processes involved in placing people into intermediate care, and issues around delayed transfers to care and duplication of roles.

A detailed case study was being developed from existing records, and discussions with stakeholders were planned to decide what the 'check' stage would involve and what it would deliver as part of the Better Care Plan.

The committee recognised that community services needed to be in place and available to provide a different option to the acute route.

In response to questions it was confirmed that the care pathway was the best way to bring together service providers and it was important to see the disbenefit to patients of being in acute beds when they would be better placed in a different care setting – ideally their home. There were no plans to put wardens back into care homes.

The Committee thanked John for his presentation.

18 Project and Programme highlight report

Ian Baker, Head of Programme Officer presented a report which provided an update on the position of projects and programmes as at 31 May 2014.

Resolved:

The Committee noted the report.

19 Systems Thinking Programme highlight report

John Rogers, Head of Systems Thinking and Customer Access presented a report which detailed the position of the systems thinking programme as at 31 May 2014.

Resolved:

The Committee noted the report.

20 Urgent Items

There were no urgent items.

(Duration of meeting: 2.00 - 3.38 pm)

These decisions were published on the 30 June 2014 and will come into force on 8 July 2014

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Wiltshire Council

Cabinet

Date of meeting: 22 July 2014

Subject: Adoption Agency Six Month Report

**Cabinet member: Councillor Laura Mayes
Children's Services**

Key Decision: No

Executive Summary

The purpose of the report is to ensure that Wiltshire Council Cabinet is satisfied that the adoption agency is effective and achieving good outcomes for children, young people and service users. Wiltshire Council is an Ofsted-registered Adoption Agency.

This six monthly written report on the management, outcomes and financial state of the adoption agency is a statutory requirement and covers the period 1 October 2013 to 31 March 2014.

In March 2013, Wiltshire Council's Adoption Service was subject to Ofsted inspection. The overall effectiveness of the service was judged to be adequate.

The number of adoption orders granted increased from 14 in 2012/13 to 40 in 2013/14 and the number of adopters approved increased from 26 in 2012/13 to 40 in 2013/14.

A number of significant incentives and changes have been implemented within the service in response to the continuing focus on adoption reform. Against a backdrop of continuing change and development, the service has improved its performance and risen to the challenges posed by the adoption reform agenda.

Proposal(s)

It is recommended that the contents of this report are noted and accepted.

Reason for Proposal

The 2011 Statutory Adoption Guidance and the 2011 Adoption Minimum Standards place a requirement on local authority adoption services to ensure that Wiltshire Council Cabinet is satisfied that the Adoption Agency is effective; achieving good outcomes for children, young people and service users; and complying with the conditions of registration.

Terence Herbert, Associate Director

Child, Youth, 0-25 SEN/Disabilities, Children and Families Social Care

Wiltshire Council

Cabinet

Date of meeting: 22 July 2014

Subject: Adoption Agency Six Month Report

**Cabinet member: Councillor Laura Mayes
Children's Services**

Key Decision: No

Purpose of Report

1. The purpose of the report is to ensure that Wiltshire Council Cabinet is satisfied that the adoption agency is effective and achieving good outcomes for children, young people and service users. The report will also satisfy Wiltshire Council Cabinet that the adoption agency is complying with the conditions of registration (Minimum Standard 25.6; Statutory Adoption Guidance 3.93 and 5.39).
2. This six monthly written report on the management, outcomes and financial state of the adoption agency is a requirement of the 2011 Statutory Adoption Guidance and the 2011 Adoption Minimum Standards.
3. The report covers the period 1 October 2013 to 31 March 2014.
4. It is recommended that the contents of this report are noted and accepted.

Relevance to the Council's Business Plan

5. The Wiltshire Council Adoption Service is a central priority for Wiltshire Council's as set out in the Wiltshire Council Business Plan 2013-2017 to key priority to protect those who are most vulnerable. Key actions in the Business Plan include:
 - To develop an outstanding adoption service for all children for whom adoption is in their best interests
 - To work with our voluntary sector partners to streamline the adoption process, increase the number of adopters and make sure all adopters are well prepared and supported and involve children and adopters in shaping the adoption service

Background

6. Wiltshire Council is an Ofsted-registered Adoption Agency. The Adoption Service provides permanency through timely and quality adoption for the children and young people in Wiltshire who need to be adopted.

7. The overall requirement of the service is for children and young people will be adopted by families who have been assessed and approved as suitable to providing a secure, warm, safe and supportive environment in which children and young people can develop in all aspects of their lives.
8. The Adoption Service:
 - Provides a range of safe, secure and enduring adoption placements to meet the assessed needs of children and young people needing permanent placements in order to promote and safeguard their welfare.
 - Ensures that adoption placements promote stability and positive outcomes for children and young people by working in partnership with adopted children and young people, adoptive parents, birth families and other professionals in the adoption and adoption support processes.
 - Meets the timescales set out in The Children Act 1989, Statutory Adoption Guidance revised in February 2011 and the Adoption National Minimum Standards. Specifically to ensure the time taken to place a child for adoption from the point that the child comes into the care of the local authority meets regulatory timescales.
9. The work of the Adoption Agency is underpinned by the Adoption and Children Act 2002 and the 2005 regulations informed by this Act. The aim of the Act is to improve outcomes for children needing adoption.
10. In March 2013, Wiltshire Council's Adoption Service was subject to Ofsted inspection. The purpose of this inspection is to assure children and young people, parents, the public, local authorities and government of the quality and standard of the service provided. The inspection was carried out under the Care Standards Act 2000 to assess the effectiveness of the service and to consider how well it complies with the relevant regulations and meets the national minimum standards. The overall effectiveness of the service was judged to be adequate. The 6 recommendations made following the inspection have been completed. The Ofsted recommendations and actions taken are included as appendix 1.
11. The Adoption Agency annual report was presented to Cabinet on 17 December 2013 updating Cabinet on the performance of the Adoption Agency for the period 1 April 2013 to 30 September 2013.
12. Cabinet noted that year on year data indicated a significant increase in the numbers of children deemed suitable for adoption, rising from 15 in 2010/2011 to 38 in 2012/2013 and that the age of children being adopted was reducing.
13. An increase in applications to adopt was attributed to successful recruitment and timely approval. Councillor Laura Mayes emphasised that there was no room for complacency and that the Council was always focusing on continued improvements to the service.

Main Considerations for the Council

14. The number of adoption orders granted increased from 14 in 2012/13 to 40 in 2013/14 and the number of adopters approved increased from 26 in 2012/13 to 40 in 2013/14. At 31 March 2014, there were 26 adopters approved and not yet linked or matched to a child / children.
15. A number of significant incentives and changes have been implemented within the service in response to the continuing focus on adoption reform, for example:
 - The new Prospective Adopter Report (PAR) has been welcomed by staff and adoption panel alike.
 - Funds from the Adoption Reform Grant have been utilised to enable adoption records to be electronically maintained and retained. The new two stage process aimed at speeding up the assessment (and training) of adoptive parents has been introduced and procedures and processes have been adapted to reflect new expectations and timescales.
 - An effective recruitment campaign funded from the Adoption Reform Grant has resulted in an increasing number of enquiries. LGM International Ltd was appointed in July 2013 to provide an adoption campaign for Wiltshire Council until 31 March 2014. The overall campaign delivered nearly 4 million viewing opportunities through a combination of outdoor advertising, digital display ads and a promoted post on Facebook. During the first 2 bursts of the marketing campaign, the number of enquiries rose to 21 (October 2013) and 22 (November 2013). Before the campaign, the number of enquiries per month ranged from between 7 to 13.
 - Wiltshire is part of the Adoption West grouping of 8 local authorities working together to scope the development of a new organisation to deliver some / all adoption activities. The Institute of Public Care (IPC) at Oxford Brookes University has been procured to explore the national agenda for change in relation to adoption services, and how to make this agenda work best for children and young people requiring adoption in this sub-region.

A range of work and activities has been undertaken by the consortium between August 2013 and February 2014:

- Analysis of key data submitted by each Local Authority
- Analysis by each Local Authority as to what they see as being their key adoption service challenges
- Bringing together of stakeholders in each Local Authority to consider current and future challenges for their adoption service and to ascertain the 'appetite for change' in working more collaboratively across the sub-region

- A literature review paper bringing together current thinking on adoption services in understanding the drivers for change politically and professionally and what the experience is nationally of working collaboratively in adoption partnerships and consortiums
 - Project leadership from a Steering Group which represents the 8 Adoption West local authorities chaired by a Director (Gloucestershire) to guide and oversee the work of the project
 - Soft market testing workshop with Voluntary Adoption Agencies to share current thinking and ascertain their views on market development issues
16. There has been a tangible increase in inter-agency placements with an increasing number of children from other local authorities being placed with Wiltshire approved adoptive parents. The number of Special Guardianship Orders granted is also increasing. Where other agencies place a child with Wiltshire Council approved adoptive parents, Wiltshire Council receive the agreed inter-authority fee of £27,000 for one child placed. This increased to £40,500 where 2 siblings are placed at the same time and to £54,000 where 3 siblings or more are placed at the same time.
17. The staffing structure has benefitted from a change in Head of Service and a refocusing of responsibilities linked to skills and experience. There is a transparency in the service which is allowing for a period of sustained improvement in practice.
18. There is a national change agenda driven by central government that impacts on each local authority. The adoption team is meeting the requirements with an degree of success

Management of the service

19. The table below details the management and staffing for Wiltshire Council's Adoption Service. All the Managers, adoption support workers and adoption support social workers hold the minimum social work qualification and have had a minimum of 2 years experience in children and families social work or a closely related field.

Name	Designation
Carolyn Godfrey	Corporate Director
Terence Herbert	Associate Director
Pier Pritchard	Acting Head of Service
Owen Evans	Adoption Team Manager
Alison Lewis	Assistant Team Manager Adoption – Adoption Support (part time)
Debbie Harper	Assistant Team Manager Adoption – Recruitment and Assessment (part time)
Sarah Dainty	Concurrency Officer
Adoption Recruitment and Assessment	

Name	Designation
Charlotte Gilbertson Leonie McKenna Pauline Fairman Jane Priborsky Danielle DeSilva Vacant post	Qualified social worker Qualified social worker Qualified social worker (part time) Qualified social worker (part time) Adoption Support Worker Qualified social worker (part time)
Adoption Support 2 x vacant posts (recruitment process underway, adverts closed 03/06/2014) Denise O'Connor Ann Mazzotta Catherine Bull	Qualified social worker Qualified social worker (part time) Adoption Support Worker Adoption Support Worker

Services provided

20. The Wiltshire Council Adoption Service provides a quality and timely child-centred service for children and young people who need adoption because they cannot be brought up by their own parents.
21. The Wiltshire Council Adoption Service is delivered through 2 teams: the Adoption Referral and Assessment Team and the Adoption Support Team.
22. The Adoption Referral and Assessment Team provide permanency for children and young people through recruiting and assessing adoptive families.
23. The Adoption Support Team supports adoptive families and their children to ensure placements succeed. The services in place include therapeutic support, counselling, advice and information, training workshops / support groups, family days and events, an annual conference, a newsletter, financial support and links with educational psychologists and Child and Adolescent Mental Health Services (CAMHS) provided by Oxford Health NHS Foundation Trust.
24. Through a contract with PACT (Parents and Children Together), a voluntary adoption agency, the Adoption Service provides:
 - a. An intermediary service for birth relatives and adopted adults who wish to trace each other
 - b. A full range of services to step-parents who wish to adopt
 - c. Services to inter-country adopters

Adoption Service Improvement Plan

25. On 6 March 2014, the Department for Education (DfE) lifted the Improvement Issue which addressed the issues in the April 2012 Ofsted report on the inspection of safeguarding and looked after children in Wiltshire.

26. The final meeting of the Safeguarding Improvement Board took place in April 2014 and there are now 3 groups overseeing work to ensure that we continue to improve outcomes for children and young people. These are the Safeguarding and Child Protection Improvement Group, the Looked After Children (LAC) Improvement Group and the Early Help Improvement Group. Oversight of the overall safeguarding picture is monitored and challenged by the Wiltshire Safeguarding Children Board.
27. An Adoption Improvement Plan was first developed in May 2012 following feedback from the adoption diagnostic assessment pilot. This formed the basis for the Permanency and Adoption Improvement Plan which was first approved by the Safeguarding Improvement Board in May 2013. In March 2014, the LAC Improvement Group approved the conclusion of the Permanency and Adoption Improvement Plan and agreed that the development of 1 overarching LAC Improvement Plan should include a focus on:
- Improving timescales for children and young people needing to be adopted – this includes the role of the adoption panel, resourcing assessments, use of Family Group Conferencing and meeting the timescales of the revised Public Law Outline as part of the implementation of the Family Justice Review.
 - Improving our adoption support offer.
 - Developing a commissioning plan for possible sub-regional partnership for the Adoption West Directors of Children’s Services.

Performance information 1 October 2013 – 31 March 2014

28. This section of the report gives the performance information covering the period 1 October 2013 – 31 March 2014, as required for Wiltshire Council Cabinet.

Number, type and age of children waiting for an adoptive placement

Legal status at that time	2011/12	2012/13	2013/14
Section 20	4	9	20
Interim Care Order	22	26	19
Care Order	1	2	1
None		1	
Total	27	38	40

Ethnic origin	2011/12	2012/13	2013/14
White British	24	27	35
Mixed / Other	3	11	5
Total	27	38	40

Age	2011/12	2012/13	2013/14
0-11 months	5	13	6
12-23 months	4	7	13

Age	2011/12	2012/13	2013/14
2-4 years	15	13	12
5-10 years	3	5	9
Total	27	38	40

Children Adopted	2011/12	2012/13	2013/14
Age			
0-11 months	1	0	1
12-23 months	2	5	5
2-4 years	12	7	20
5-10 years	2	2	13
11 and over	0	0	1
Total	17	14	40

Children Matched out of County	2011/12	2012/13	2013/14
	<i>1 child in 1 placement</i>	<i>4 children in 3 placements</i>	<i>5 children in 4 placements</i>

Out of County Children Matched with Wiltshire Adopters	2011/12	2012/13	2013/14
	<i>4 children in 4 placements</i>	<i>1 child in 1 placement</i>	<i>16 children in 11 placements</i>

Agency's performance against timescales

29. The latest scorecard was published in January 2014 and is attached as appendix 2.
30. The scorecard reports on activity for the period 2010 to 2013 and was included in the previous adoption agency report to Cabinet in November 2013.
31. The scorecard reports that the average time between Wiltshire receiving a court order to place a child and deciding to match a child to an adoptive family was 169 days compared to the national average of 210 days.
32. Similarly, the average time from a child entering care and moving in with an adoptive family was 673 days compared to the national average of 647. This figure is still above the national average, but is an improvement on last year's figure of 750 days.
33. The table below details performance against the scorecard timescales month-by-month:

Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days) A1														
Wiltshire 2013/14													English average 2011/12	Statistical neigh Average 2011/12 (denotes good +)
2012/13	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
630	687	1035	577	1007	382	612	388	319	0	597	701	508	3YA 636 2009-12	3YA 533 2009-12

Average time between a local authority receiving a court order to place a child and the local authority deciding to match an adoptive family A2														
Wiltshire 2013/14													English average 2011/12	Statistical neigh Average 2011/12 (denotes good +)
2012/13	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
122	N/A	133	193	38	125	426 [#]	104	57	0	239	220	170	3YA 195 2009-12	3YA 128 2009-12

% children who wait less than 21 months between entering care and moving in with their adoptive family A3														
Wiltshire 2013/14													English average 2011/12	Statistical neigh Average 2011/12 (denotes good +)
2012/13	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
61%	N/A	75%	50%	50%	100%	50%	100%	100%	0	67%	0%	100%	3YA 56% 2009-12	3YA 63% 2009-12

Applications and assessments of prospective adoptive families

	2012/13	2013/14
Number of enquiries to be an adopter		137
Number of applications to be an adopter		67
Number of newly approved adopters and time taken to approve adopters from application (scorecard indicator B2)	26	40
0-3 months	2	4
4-6 months	6	17
7-12 months	14	18
More than 12 months	4	1
Number of approved adopters unmatched		24
Number of approved adopters matched to a child		26

34. The latest publication of the Adoption Scorecard shows a 10.3% improvement in the average time between a child entering care and moving in with their adoptive family. The average time between the local authority receiving court authority to place a child and the local authority deciding on a match with an adoptive family is 7.1%, below the national threshold average. These figures are not synonymous with the improvements made to the timeliness of assessing adopters and placing children; the reasons for this are as follows:
- The length of time taken to complete care proceedings within the Family Justice System continues to impact on the timeliness of children being placed for adoption. The Family Justice Review and the Children and Families Bill have introduced measures to avoid unnecessary delay in care proceedings which mean that care and supervision proceedings must be completed within six months, timetabling and case management decisions must be child focused and expert testimony should be commissioned only where necessary to resolve the case.
 - The scorecard is based on a rolling three year average of indicators and a cohort of historical cases continues to adversely affected performance indicators.
 - 3 foster carer families have adopted 3 children in their care in 2013/14. This has had no adverse effect on the timescales for these children.
 - 7 children were placed inter-agency in other local authorities in 2013/14 - it took longer to identify placements for these children.

Financial state of the adoption agency

35. The tables below set out the budget and actual expenditure for the 2013/14 financial year and the budget and projected expenditure for the 2014/15 financial year.

2013/14 Financial Year	Budget	Actual Expenditure
Salaries & team running costs	600,230	737,716
Carer recruitment & training	17,000	7,332
Adoption Allowances (all types)	869,900	1,159,041
Adoption Income	0	-365,016
	1,487,130	1,539,073

2014/15 Financial Year	Budget	Projected Expenditure
Salaries & team running costs	534,900	534,900
Carer recruitment & training	17,000	10,000
Adoption Allowances (all types)	869,900	1,000,000
Adoption Income	-60,000	-183,100
	1,361,800	1,361,800

36. This financial information details the activity for the adoption service for the period to 31 March 2014. The income in both years relates to an element of grant income where adoption team staff have worked on grant activity and relate to inter agency fees which are the fees charged when adopters approved by one agency are matched with a child in the care of another, the forecast is higher than budget based on children's plans.
37. In 2013/14 there was a planned overspend as the planned number of children being adopted and supported with allowances increased. We would anticipate this would repeat in 2014/15 and as children move from fostering to adoption, we would adjust the budget accordingly. The capacity of the service and the financial implications of any increase in activity are taken into account within the budget setting process and monitored throughout the year.
38. There has been a significant increase in requests for financial support to adopters and special guardians. As at 31 March 2014, there were the following families being supported with ongoing financial allowances:

	At 31 March 2013		At 31 March 2014	
	Children	Carers	Children	Carers
SGO Allowance	47	34	92	78
RO Allowance	15	11	20	7
Adoption Allowance	52	39	63	44
Total	114	84	175	129

39. In addition to the budget above, the Adoption Reform Grant (ring fenced) totalling £188,960 was fully utilised during the financial year to 31 March 2014 and the un-ring fenced grant totalling £881,740 was partially spent, with the remainder (£629,818) being rolled over into a corporate reserve that Children's Services Leadership Team will administer to a number of priorities including children's social care during 2014/15.
40. A further £50 million Adoption Reform Grant has been allocated to local authorities in 2014-15 by the Department for Education to continue to support the work to improve adoption services. The grant is not ring-fenced and has been allocated using a similar formula to the non ring-fenced element of last year's grant. Local authorities are able to use the funding at their discretion in order to meet local need. Wiltshire's allocation for 2014-15 is £438,999. Proposed plans for both years' grants are being considered by senior management this month.

Panel activity

	2012/13	2013/14
Number of panels held	25	24
Number of Prospective Adoptive Families considered	28	41
Number of Matches considered	25	26

Safeguarding Implications

41. The Wiltshire Council Adoption Service is part of Wiltshire Council's children's social care services. All Wiltshire Council children's services are delivered according to the Wiltshire Children's Services Procedures Manual and are overseen by the Wiltshire Safeguarding Children Board. The local authority has effective child and vulnerable adult safeguarding procedures.
42. This report is for note by Wiltshire Council Cabinet.

Public Health Implications

43. Not applicable – for note by Wiltshire Council Cabinet.

Environmental and Climate Change Considerations

44. Not applicable – for note by Wiltshire Council Cabinet.

Equalities Impact of the Proposal

45. Not applicable – for note by Wiltshire Council Cabinet.

Risk Assessment

46. Risks that may arise if the performance of the adoption agency is not effective and is not achieving good outcomes for children and young people:
1. Safeguarding risk to looked after children and young people if they are placed with adoptive parents who have not been fully assessed, prepared and supported – safeguarding is considered a high level risk in the corporate risk register
 2. Reputational risk to Council if the adoption agency is not effective and does not achieve good outcomes for children and young people who need adoption
 3. Reputational risk to Council if we do not meet statutory timescales for children and young people needing to be adopted
 4. Financial risk to Council if placements that are made are not stable leading to placement breakdown and subsequently children returning to the Local Authority's care
47. Risks that may arise if Cabinet note and accept the contents of this report and actions that will be taken to manage these risks:

	Risk	Action to mitigate the risk
1.	Inadequate supply of adopters to meet demands	An Adoption Service Marketing Strategy will be developed and implemented, building on knowledge gained during the marketing campaign of 2013/14
2.	Ability to meet budget – increased costs of service provision	Use of the Adoption Reform Grant 2014/15
3.	The service cannot meet	Key actions are included in the Looked After

statutory timescales for children and young people needing to be adopted	Children Improvement Plan to improve performance and ensure we meet statutory timescales
--	--

Financial Implications

48. The budget and expenditure for 2013-14, and projected expenditure for 2014-15, are outlined in paragraphs 35 – 40 above. The activity and therefore expenditure has increased in 2013-14 financial year as per the Government's agenda for adoption reform. We would anticipate the same or increased levels for 2014-15. The cost of supporting an adopted child is less than the average costs of care and is often time limited as opposed to care costs which continue until 18 years or longer if the young person has additional needs or is in full time education.

Legal Implications

49. No legal implications arising.

Options Considered

50. Not applicable – for note by Wiltshire Council Cabinet.

Conclusions

51. During the past twelve months the Government's continuing adoption reform agenda has brought about further changes to adoption policies and practice. Central to the reform programme is a belief in the importance of recruiting more adoptive families and reducing the amount of time a child has to wait before being adopted. Wiltshire Council's Adoption Service is committed to improving service delivery and permanent outcomes for adopted children and young people. The Adoption Service is working collaboratively with other social care teams and agencies to ensure a whole service approach to prevent delay in securing permanency for children and young people through adoption.
52. In Wiltshire during the last financial year there has been a significant increase in the number of children and young people adopted and a considerable uplift in the number of adoptive families approved during the same period.

**Terence Herbert, Associate Director
Child, Youth, 0-25 SEN/Disabilities, Children & Families Social Care**

Report Author:

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Phone: 01722 438142

04 June 2014

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

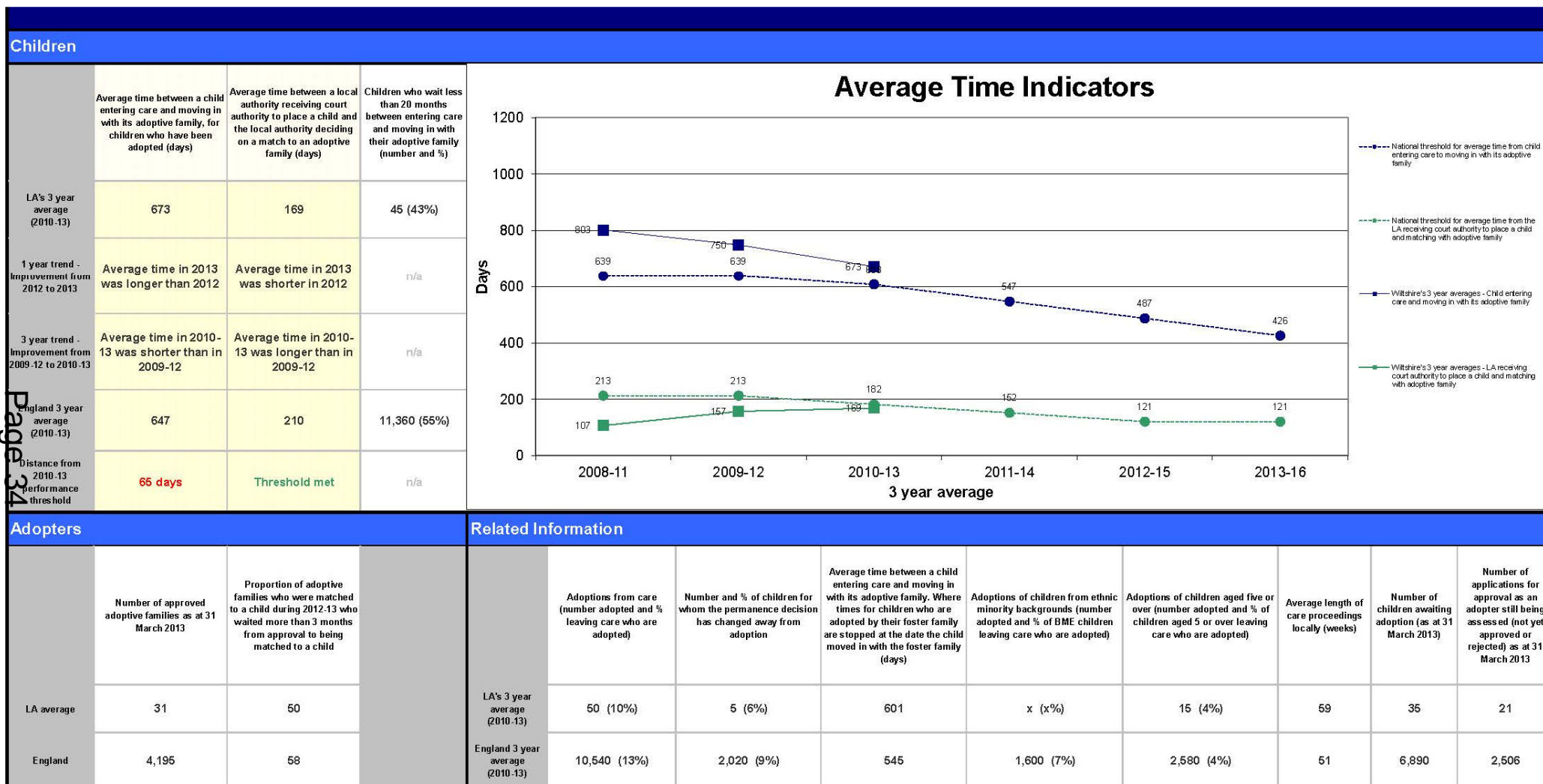
Appendix 1: March 2013 Ofsted recommendations

Appendix 2: Wiltshire's Adoption Scorecard, September 2013

Appendix 1: March 2013 Ofsted recommendations

	Actions	Update as at 12 March 2014
1	Consistent, quality and timely life story book and later life letters - sent within 10 working days of the adoption ceremony (NMS 2.7 and 2.8)	'Life Story' and 'Later Life Letter' training courses have been delivered to staff with a total of 32 staff attending. The outcome of the audit undertaken by the Adoption Panel suggests that the quality and consistency of completion of both later life letters and life story work remains an issue across the service.
2	Support children to achieve their educational potential through continuing to develop virtual education services to include adopted children (NMS 7.1)	The Virtual School Officer for Adoption in post. Case work to date has included 1 situation to prevent a permanent exclusion. Impact - adoptive parents engaged more positively with school than for some considerable time and there is now agreement with all agencies for the longer term goal.
3	Ensure personnel files are well ordered and can be easily audited to show that files contain evidence of identity checks and all the other requirements of Schedule 3 of the Local Authority Adoption Service (England) Regulations 2003 (Regulation 11 (3) (d), Schedule 3 and NMS 21.3).	Completed.
4	Update the Statement of Purpose for 2013/14 to take account of the new 2 stage Adopter Assessment process and new PAR. Ensure that the SoP contains all the information required by Schedule 1 of the Local Authority Adoption Service (England) Regulations 2003; in particular, the name and address of the service's manager (18.1 and Regulation 2, Schedule 1)).	Wiltshire Adoption Agency Statement of Purpose has been reviewed and updated. It is now fully compliant with NMS 18.1 and Regulation 2, Schedule 1 and is available on the Wiltshire Council website.
5	Ensure that the children's guide to adoption contains a statement as to the matters listed in Schedule 2 of the Local Authority Adoption Service (England) Regulations 2003; in particular, a summary of the complaints procedure and contact details for the office of the Children's Rights Director (Regulation 3 and NMS 18.5).	Revised in order to be compliant with Regulation 3 and NMS 18.5. Contingency has been made from within the Adoption Reform Grant to produce our own children's guides. Plans have been made to work together with the Voice and Influence Team to achieve this. In agreement with Devon, we purchase and use their Guide.
6	Ensure retention of records of recruitment and suitability checks; in particular, that records are kept of telephone verification of references (safeguarding and safer recruitment) (NMS 21.1).	Wiltshire Council have designed a comprehensive record of recruitment and suitability checks. An interactive spreadsheet has been developed to hold all the required information. The spreadsheet is securely stored in a shared folder with restricted access, for the service managers to complete and for few named managers to review. A system to audit the future completion of the spreadsheets is in place.

Appendix 2: Wiltshire's Adoption Scorecard, September 2013



Wiltshire Council

Cabinet

22 July 2014

Subject: Draft Annual Governance Statement 2013-14

Cabinet member: Councillor Dick Tonge
Finance, performance, risk, procurement and welfare reform

Key Decision: No

Executive Summary

1. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an AGS for 2013-14. This will be signed by the Leader of the Council and the Corporate Directors, after final approval by the Audit Committee on 31 July 2014. The AGS will form part of the Annual Statement of Accounts for 2013-14.
2. Section C of the AGS describes the Council's governance framework for the relevant period. The final version will need to reflect the position up to the date of approval and signature in July 2014.
3. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
4. The council's internal auditors have given an overall audit opinion of reasonable assurance on the effectiveness of the council's control environment for 2013-14.
5. The following have been identified as significant governance issues at this stage:
 - Delivery of the Council's Business Plan 2013-17
 - Information Governance
 - Safeguarding Children and Young People
6. Details of these issues are set out at paragraph 82 in Section E of the draft AGS.

7. KPMG have been consulted on the draft AGS and have made minor comments which will be taken into account in the presentation of the final version to the Audit Committee on 31 July 2014.

Proposals

Cabinet is, therefore, asked:

- a. to consider the draft AGS as set out in Appendix 1 and make any amendments or observations on the content as they deem appropriate;
- b. to note that the draft AGS will be revised in the light of any comments by Cabinet and ongoing work by the Governance Assurance Group before final approval by the Audit Committee and publication with the Statement of Accounts at the end of July 2014.

Reason for Proposals

To prepare the AGS 2012-13 for publication in accordance with the requirements of the Audit and Accounts Regulations 2011.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

22 July 2014

Subject: Draft Annual Governance Statement 2013-14

Cabinet member: Councillor Dick Tonge
Finance, performance, risk, procurement and welfare reform

Key Decision: No

Purpose of Report

1. To ask Cabinet to consider a draft Annual Governance Statement for 2013-14 for comment before final approval is sought from the Audit Committee on 31 July 2014.

Main Considerations for the Council

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an Annual Governance Statement (AGS) for 2013-14. This will be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 31 July 2014. The AGS will form part of the Annual Statement of Accounts for 2013-14.

Background

3. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an Annual Governance Statement (AGS) for 2013-14. This will be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 31 July 2014. The AGS will form part of the Annual Statement of Accounts for 2013-14.
4. Based on advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), the AGS should include:
 - an acknowledgement of responsibility for ensuring there is a sound system of governance, incorporating the system of internal control;
 - an indication of the level of assurance that the systems and processes that comprise the Council's governance arrangements

can provide;

- a brief description of the key elements of the governance framework, including reference to group activities where those activities are significant;
 - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements;
 - an outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.
5. The AGS for Wiltshire Council should demonstrate how the Council is meeting the six principles of good governance adopted in its Code of Corporate Governance. These principles are:
- focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
 - councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
 - promoting values for the council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - taking informed, risk-based and transparent decisions which are subject to effective scrutiny and managing risk;
 - developing the capacity and capability of councillors and officers to be effective;
 - engaging with local people and other stakeholders to ensure robust accountability.
6. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2013-14, but must take account of any significant issues of governance up to the date of publication of the Statement of Accounts in July 2014. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
7. The AGS is drafted by members of the Governance Assurance Group, which comprises senior officers who have lead roles in corporate governance and a member representative from the Audit Committee.
8. The evidence for the AGS comes from a variety of sources, including assurance statements from service directors, relevant lead officers within

the organisation, internal and external auditors and inspection agencies.

Draft AGS - Content

9. Work on the draft AGS 2013-14 is in progress. A copy of the latest draft is attached at Appendix 1. The draft will be revised in the light of further reviewing of assurance sources by the Governance Assurance Group and any observations of Cabinet.
10. The draft reflects the elements described in paragraph 3 of this report and has regard to revised guidance from CIPFA.
11. Section C of the AGS describes the Council's governance framework for the relevant period. The final version will need to reflect the position up to the date of approval and signature in July 2014.
12. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
13. The council's internal auditors have given an overall audit opinion of reasonable assurance on the effectiveness of the council's control environment for 2013-14.
14. Assurance statements are being obtained from associate directors. These are being reviewed and any potential significant governance issues arising from these will be included in the final version of the AGS and taken into account in the presentation of the final version to the Audit Committee on 31 July 2014.
15. Section E of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period.
16. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
 - the issue has seriously prejudiced or prevented achievement of a principal objective;
 - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
 - the issue has led to a material impact on the accounts;
 - the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
 - the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;

- the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
- the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

17. At this stage it is proposed to include three significant governance issues in this section:

- Delivery of the Council's Business Plan 2013-17
- Information Governance
- Safeguarding Children and Young People

18. Details on these issues are set out in paragraph 82 of the draft AGS.

19. Any further potential significant governance issues that are identified will be reported to the Audit Committee when the AGS is taken back for final approval on 31 July 2014.

20. KPMG have been consulted on the draft AGS and have made minor comments which will be taken into account in the presentation of the final version to the Audit Committee on 31 July 2014.

Safeguarding Implications

21. Safeguarding issues have been highlighted in Section E of the draft AGS.

Public Health Implications

22. There are no public health implications regarding the proposals in this report.

Environmental and Climate Change Considerations

23. There are no environmental or climate change considerations regarding the proposals in this report.

Equalities Impact of the Proposal

24. There is no equalities impact regarding the proposals in this report.

Risk Assessment

25. The production of the AGS is a statutory requirement. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

Risks that may arise if the proposed decision and related work is not taken

26. The production of the AGS is a statutory requirement.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

27. None

Financial Implications

28. There are no financial implications arising directly from the issues covered in this report

Legal Implications

29. The production of the AGS is a statutory requirement.

***Proposal**

30. Cabinet is, therefore, asked:

- a. to consider the draft AGS as set out in Appendix 1 and make any amendments or observations on the content as they deem appropriate;
- b. to note that the draft AGS will be revised in the light of any comments by Cabinet and ongoing work by the Governance Assurance Group before final approval by the Audit Committee and publication with the Statement of Accounts at the end of July 2014.

***Reason for Proposal**

31. To prepare the AGS 2012-13 for publication in accordance with the requirements of the Audit and Accounts Regulations.

Ian Gibbons
Associate Director Legal and Governance
(Monitoring Officer)

Report Author:

Marie Lindsay
Ethical Governance Officer
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8 July 2014

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Appendix 1 - draft Annual Governance Statement 2013-14

Appendix 2 - extract from draft minutes of Audit Committee 24 June 2014

Annual Governance Statement

2013-14



Draft 7

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Monitoring Officer

Section D

Review of Effectiveness

Focus on the purpose of the authority and on outcomes for the community, creating and implementing a vision for the local area

Engaging with local people and other stakeholders to ensure robust public accountability

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

Developing the capacity of councillors and officers to be effective in their roles

Section E

Significant Governance Issues

A. Scope of Responsibility

1. Wiltshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, including the management of risk, and facilitating the effective exercise of its functions.

B. The Purpose of the Governance Framework

3. The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
4. The assurance framework and the system of internal control are significant parts of that framework. They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal control are based on an ongoing process that is designed to:
 - a. identify and prioritise the risks to the achievement of the Council's policies, aims and objectives;
 - b. evaluate the likelihood of those risks being realised;
 - c. assess the impact of the risks if they are realised;
 - d. manage the risks efficiently, effectively and economically.
5. The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement.
6. The governance framework has been in place at the Council for the year ended 31 March 2014 and up to the date of approval of the Statement of Accounts for 2013/14.

C. The Governance Framework

7. The Council's governance framework comprises a broad range of strategic and operational controls, which work together to ensure the sound operation of the Council. The key elements are summarised below.
8. Documents referred to are available from the Council or may be viewed on the Council's website (www.wiltshire.gov.uk).
9. The review of the Council's governance arrangements, through the Annual Governance Statement, has taken account of best practice identified in the CIPFA/Solace guidance Delivering Good Governance in Local Government, Addendum 2012.

Purpose and Planning

10. In September 2013 the council adopted a new Business Plan for 2013-17 with the following priorities:
 - to protect those who are most vulnerable;
 - to boost the local economy; and,
 - to bring communities together to enable and support them to do more for themselves.
11. These priorities serve to deliver the council's vision to create stronger and more resilient communities.
12. The Business Plan is supported by a Financial Plan, which demonstrates how it will be funded. The management of the Council's strategic risks helps achieve the Council's objectives

Policy and Decision-Making Framework

13. The Council's Constitution provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable.
14. The Constitution defines the role and responsibilities of the key bodies in the decision-making process - the Council, Cabinet, and Committees, including the Strategic Planning Committee, Area Planning Committees, Licensing Committee, Overview and Scrutiny Committees, Standards Committee, Audit Committee, Staffing Policy Committee, Officer Appointments Committee and Area Boards.
15. The council has established a Health and Well-being Board in accordance with requirements under the Health and Social Care Act 2012. The Board is a committee of the council with a strategic leadership role in promoting integrated working between the council and the NHS, and in relation to public health services. It is the key partnership and focal point for strategic decision making about the health and well-being needs of the local community. The council has also established the Wiltshire

Police and Crime Panel to review and scrutinise decisions of the Police and Crime Commissioner. The Panel is a joint committee with Swindon Borough Council.

16. The Constitution is reviewed regularly by the Monitoring Officer and the Standards Committee through its Constitution Focus Group to ensure that it reflects changes in the law and remains fit for purpose.
17. The Leader and Cabinet are responsible for discharging the executive functions of the Council, within the budget and policy framework set by the Council, and some of this is delegated to Area Boards.
18. The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months, including items which constitute a key decision¹
19. Schemes of Delegation are in place for Cabinet Committees, Cabinet Members and Officers to facilitate efficient decision-making. The Leader has established three Cabinet Committees - the Cabinet Capital Assets Committee, Cabinet Transformation Committee and the Cabinet Business Relief Committee.
20. The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
21. The Council's overview and scrutiny arrangements consist of a management committee and 3 select committees covering Children's Services, Environment, and Health. These committees establish standing and ad hoc task groups to undertake detailed reviews. Rapid scrutiny exercises also provide opportunities where there are time constraints. Scrutiny member representatives can also be appointed to boards of major projects to exercise lay challenge. Partners and contractors also contribute to the scrutiny process.
22. These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and officers to public account for their executive policies, decisions and actions.

¹ 'Key decisions' are defined in Paragraph 9 of Part 1 of the Constitution. They include any decision that would result in the closure of an amenity or total withdrawal of a service; any restriction of service greater than 5%; any action incurring expenditure or producing savings greater than 20% of a budget service area; any decision involving expenditure of £ 500,000 or more, (subject to certain exceptions), any proposal to change the policy framework; any proposal that would have a significant effect on communities in an area comprising two or more electoral divisions.

23. The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by Members and Officers across the Council;
- determination of complaints under the Members' Code of Conduct;
- oversight of the Constitution, overview of corporate complaints handling and Ombudsman investigations, and the whistle blowing policy;

24. The Council has adopted a Code of Conduct for members and established arrangements for dealing with complaints under the code for Wiltshire unitary and parish councillors, including the appointment of 3 independent persons in accordance with the statutory requirements.

25. The Council has in place arrangements for considering complaints made about the conduct of the Police and Crime Commissioner for Wiltshire.

26. The Audit Committee is responsible for:

- monitoring and reviewing the Council's arrangements for corporate governance, risk management and internal control;
- reviewing the Council's financial management arrangements and approving the annual Statement of Accounts;
- focusing audit resources
- monitoring the effectiveness of the internal and external audit functions;
- monitoring the implementation of agreed management actions arising from audit reports.

Wiltshire Pension Fund

27. The Wiltshire Pension Fund is overseen by the Wiltshire Pension Fund Committee. This Committee has its delegated power from the full Council, rather than the Executive (Cabinet), so as to avoid any conflict of interest (e.g. in relation to the setting of employer contributions).

28. This Committee is responsible for all aspects of the fund, including:

- the maintenance of the fund;
- preparation and maintenance of policy, including funding and investment policy;
- management and investment of the fund;
- appointment and review of investment managers;
- monitoring of the audit process.

29. The Wiltshire Pension Fund Committee exercises its responsibilities in relation to investment management when it sets investment policy and appoints/monitors external investment managers.

Regulation of Business

30. The Constitution contains detailed rules and procedures which regulate the conduct of the Council's business. These include:

- Council Rules of Procedure
- Budget and Policy Framework Procedure
- Financial Regulations and Procedure Rules
- Procurement and Contract Rules
- Members' Code of Conduct
- Officers' Code of Conduct
- Corporate Complaints Procedure

31. The statutory officers - the Head of Paid Service (see note below in this paragraph), the Monitoring Officer (Solicitor to the Council) and the Chief Finance Officer have a key role in monitoring and ensuring compliance with the Council's regulatory framework and the law. The statutory officers are supported in this role by the Council's HR, legal, governance and democratic services, finance and procurement teams, and also by the internal audit service.

32. Internal Audit services in Wiltshire are provided through a partnership with South West Audit Partnership.

33. The following bodies have an important role in ensuring compliance:

- Audit Committee
- Overview and Scrutiny Committees and Task Groups
- Standards Committee
- Internal Audit (this function is provided externally by the South West Audit Partnership (SWAP))
- External Audit and Inspection Agencies.

34. The Council has established a Governance Assurance Group whose membership is composed of senior officers with lead responsibility for key areas of governance and assurance, together with an elected member who is the vice-chair of the Audit Committee. Other officers and members attend by invitation to provide the Group with information about issues on which it is seeking assurance. Officers can also bring any concerns about the Council's governance arrangements forward to the Group for consideration.

² The Corporate Leadership Team comprises the three Corporate Directors, supported by the Chief Finance Officer / Section 151 Officer, Solicitor to the Council / Monitoring Officer, Service Director HR and Organisational Development and the Director of Communications. The statutory role of Head of Paid Service is rotated between the three corporate directors every four months.

35. The Governance Assurance Group meets monthly and has a forward work plan. It is responsible for gathering evidence for and drafting the Annual Governance Statement. It identifies any potential significant governance issues throughout the year, and seeks assurance on the effectiveness of measures to address these. It has a key role in promoting and supporting sound governance across the organisation and reports as required to the Corporate Leadership Team.³

Management of Resources, Performance and Risk

Financial Management

36. Financial management and reporting is facilitated by:

- Regular reports to Cabinet on the Council's Revenue Budget and Capital Programme;
- Regular review by the Corporate Leadership Team;
- Regular consideration of these reports by the Budget and Performance Task Group;
- Budget monitoring by Service Managers;
- Compliance with the Council's Budgetary and Policy Framework, Financial Regulations and Financial Procedure Rules;
- Compliance with external requirements, standards and guidance;
- Publication of Statement of Accounts;
- Overseeing role of the Audit Committee.

37. The Council's financial management arrangements are consistent with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, issued in 2010.

Performance and Risk Management Reporting

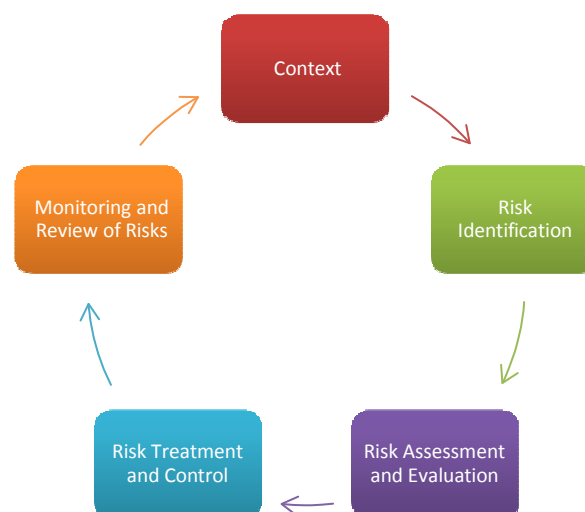
38. At the heart of the Business Plan 2013 – 2017 is the vision to create stronger and more resilient communities and sets out how we plan to achieve this and outlines our key priorities which are to continue to:

- Protect our most vulnerable in our communities;
- Boost the local economy – creating and safeguarding jobs
- Support and empower communities to do more for themselves

³

The role of Head of Paid Service was discharged by the Service Director, HR and Organisational Development until July 2013 when the council agreed that the role should be discharged by one of the corporate directors, Maggie Rae, pending consideration of a further report in November 2013 on how this would operate on a rotational basis between the three corporate directors)

39. Measuring success is about how we will know we are performing well and moving in the right direction to achieve our vision and priorities. A Strategic Performance and Risk Management Board has been established to take the strategic lead on the development and review of the corporate planning cycle including the performance and risk management approach. Risk management is a central part of the Council's strategic management and the Board will review the Risk Management Strategy on an annual basis to ensure that risk management arrangements remain effective.
40. The Corporate Leadership Team receives six monthly performance and risk reports detailing the risks that impact upon the strategic objectives of the Council. The Audit Committee receives reports every six months on the effectiveness of the risk management processes within the Council and its partnerships. Exception reports are submitted as and when required.
41. Risks are identified and monitored by service areas. Risks that are deemed significant are referred to the Operational Performance and Risk Management Group in the first instance for challenge and review. Reports are issued on the corporate risks through the Council's reporting arrangements. Training on Risk Management is delivered to Members annually, including the development of specific training for staff involved in risk management arrangements as a result of their work. The diagram below demonstrates the cycle of managing risk.



42. The risks associated with major projects are managed through project management arrangements with regular reporting to the relevant boards and member bodies. Any significant or corporate risks are also considered by the Operational Performance & Risk Management Group and included within the Corporate Risk Register where appropriate.
43. The Council's Business Continuity Policy provides a framework to maintain and develop business continuity arrangements at both corporate and

service levels. It sets out the responsibilities of different management levels and groups as part of this process.

Internal Audit

44. The main role of Internal Audit is to provide an independent and objective opinion on the Council's control environment.
45. Internal Audit has the following additional responsibilities:
- providing support to the Chief Finance Officer in meeting his responsibilities under Section 151 of the Local Government Act 1972, to make arrangements for the proper administration of the Council's financial affairs;
 - investigating any allegations of fraud, corruption or impropriety;
 - advising on the internal control implications of proposed new systems and procedures.
46. The annual Internal Audit Plan is based on an assessment of risk areas, using the most up to date sources of risk information, in particular the Council's Corporate and Service Risk Registers. The Plan is agreed with Corporate Directors, and presented to the Audit Committee for approval. The Committee receives reports of progress against the plan throughout the year. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an audit opinion on the internal control environment for the Council as a whole.

External Audit and Inspections

47. The Council is subject to audit by its external auditors, KPMG LLP, specifically in relation to the Council's financial statements and achievement of value for money (VFM). It is also subject to reviews by external inspection agencies, OFSTED, and the Care Quality Commission (CQC). The outcomes of external audit work and inspections are used to help strengthen and improve the Council's internal control environment and help secure continuous improvement.
48. In September 2013 the authority was the subject of a peer review challenge. A further visit is planned for later in 2014.
49. The challenge covered five core components: understanding of the local context and priority setting, political and managerial leadership, financial planning and viability, governance and decision making and organisational capacity. In addition the peer team was asked to focus on how the Council was transforming Wiltshire through innovation in three particular areas.
50. The council's key strengths were identified as follows:
- A very strong respect and high regard for the council leader
 - A strong and trusted relationship between officers and elected members with a clear appreciation that the council is strongly member led.

- The council has a good reputation in the community. Its vision ‘to create stronger and more resilient communities’ has resonance locally. Parish and town councils, volunteers and voluntary sector organisations speak positively about the purposeful intent of the council to delegate responsibilities and enable local people and groups to do more for themselves.
- A highly engaged workforce with a real sense of pride in the organisation.

51. Recommendations included addressing the budget gap for 2015/16 and beyond, clarifying the desired outcomes for area boards, improving the effectiveness of scrutiny, strengthening performance management and working closely with the CCG to ensure shared visions and plans. Action has been taken to implement these recommendations.

52. The council has also undergone a peer review challenge of its adult social care Help to Live at Home programme. The initial findings are positive and the full report is awaited.

Associate Directors’ Assurance Statements

53. Associate directors’ assurance statements [are being] reviewed by the Governance Assurance Group. [Any significant governance issues identified will be included in Section E].

Monitoring Officer

54. The Monitoring Officer has not made any adverse findings in the course of the exercise of his statutory responsibilities.

D. Review of Effectiveness

55. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Council's internal audit function, and also by reports of external auditors and other review agencies and inspectorates.

56. The key principles of corporate governance are set out in the Council's Code of Corporate Governance as follows:

- Focusing on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area;
- Engaging with local people and other stakeholders to ensure robust public accountability;
- Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
- Promoting high standards of conduct and behaviour, and establishing and articulating the Council's values to members, staff, the public and other stakeholders;
- Taking informed, risk based and transparent decisions which are subject to effective scrutiny; and
- Developing the capacity of members and officers to be effective in their roles.

57. The effectiveness of the Council's assurance framework and system of internal control is assessed against these six principles.

Focus on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area

58. The Council's vision and priorities are set out in its Business Plan 2013-2017. This is consistent with the long term priorities that are set out in the Community Plan 2011-2026.

Engaging with local people and other stakeholders to ensure robust public accountability

59. The development of Wiltshire's area boards has played a key role in ensuring robust public accountability and democratic engagement in Wiltshire. The devolved governance arrangements are set out in the Council's Constitution. In 2014 a comprehensive review of the Area Boards was undertaken to more closely align governance arrangements with the aspirations set out in the Council's business plan. The conclusions and recommendations arising from the review were adopted by the Council on 22nd April 2014 (Cabinet minute no. 47).

60. The Council monitors the performance of the area boards in a number of ways:

- Public reporting on all issues and grant applications referred to the boards through online systems (including a new grants evaluation process in 2014);
- Periodic scrutiny reviews and audit of financial arrangements;
- Feedback received following events;
- An annual satisfaction survey of people attending area board meetings;
- The Area Boards self evaluation process; and
- Ongoing lean systems reviews.

61. The Council seeks to align the resources delegated to area boards with the needs of local communities and to assess the impact of its devolved governance arrangements through the Joint Strategic Assessment process. This involves the prioritisation of issues by the local community, action and resource allocation by the area boards and the use of the boards' collaborative influence to initiate community-led action in the area. In 2014, revised arrangements were put in place to capture and monitor the effectiveness of this process, through improved reporting to the Health and Wellbeing Board.

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

62. The Constitution sets out clearly the roles and responsibilities of Councillors and Officers in the decision making process.

63. The Council has adopted a Councillor and Officer Relations Protocol which:

- outlines the essential elements of the relationship between councillors and officers;
- promotes the highest standards of conduct;
- clarifies roles and responsibilities;
- ensures consistency with the law, codes of conduct and the Council's values and practices; and
- identifies ways of dealing with concerns by councillors or officers.

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

64. All staff are required to meet high standards of ethical conduct under the Officers' Code of Conduct.
65. The council has a code of conduct for officers which is underpinned by a behaviours framework. This framework clearly articulates the behaviours expected of council officers, and is explicitly referred to in recruitment and performance appraisal processes.
66. The Council has adopted a code of conduct for Councillors and arrangements for dealing with member misconduct complaints under the requirements of the Localism Act 2011. The effectiveness of the code is kept under review by the Standards Committee.
67. The Council has established arrangements for receiving and investigating complaints about the Police and Crime Commissioner for Wiltshire.
68. The Council's Governance Service is responsible for customer complaints, access to information legislation, operation of the agreed arrangements under the new standards regime, and the promotion of good governance within the Council and with key partners, including the town and parish councils of Wiltshire. This helps to ensure that robust governance arrangements are supported across the Council.

Internal Audit

69. Internal Audit represents an important element of the Council's internal control environment, and to be effective it must work in accordance with the Code of Practice for Internal Audit in Local Government, which lays down the mandatory professional standards for the internal audit of local authorities.
70. The Internal Audit Annual Report and Opinion 2013 -14 summarises the results and conclusions of the audit work throughout the year, and provides an independent audit opinion on the internal control environment for the Council as a whole. The Council's internal auditors, SWAP, have given an overall audit opinion of reasonable assurance on the adequacy and effective operation of the Council's control environment for 2012-13.

External Audit

71. The latest report to those charged with governance, issued by KPMG LLP in respect of Wiltshire Council for 2013/14, is the interim report, in advance of the full report, which summarises the key issues arising from the interim work at Wiltshire Council in relation to the 2013/14 financial statements and the work to support the 2013/14 value for money conclusions.

72. The report highlights the key messages as follows:

- The organisational control environment is effective overall;
- Good progress has been made during the year in improving the overall IT control environment;
- In relation to those controls reviewed, the key financial systems are sound;
- In relation to the work on the financial controls, the external auditor is able to place reliance upon the work of Internal Audit;
- The overall process for the preparation of the financial statements is strong.

73. KPMG LLP's report to those charged with governance for 2013/2014 will be tabled at the meeting of the Audit Committee on 31 July 2014.

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

74. Cabinet Members and Officers exercising delegated powers are required to take decisions in accordance with their respective schemes of delegation. The Leader's protocol for decision-making by Cabinet Members ensures transparency by requiring publication of the intention to make a decision on 5 clear days' notice and the final decision.

75. The Partnership Protocol and Register captures the Council's partnership arrangements. As of May 2014 the number of partnerships in operation is 42. During 14/15 a review of the protocol will be conducted. Once completed all arrangements will be reviewed with service areas to check all are aware of the requirements of the revised protocol and all partnerships are captured.

76. Since implementing the recommendations of a major review in May 2012 to increase the effectiveness of the Overview and Scrutiny function, a single work programme has been developed in discussion with Cabinet members and senior management under the control of the Management Committee

which focused on Council priorities. It aims for early dialogue enabling most of its work to support policy development and pre-decision scrutiny in the Council. The peer challenge review undertaken in September 2013 made a number of recommendations relating to Overview and Scrutiny. As a consequence a closer alignment has been made between its work and the Council's Business Plan 2013-17 with a stronger focus on better outcomes for communities and residents. This includes supporting delivery of the Plan's objectives and monitoring the investments and efficiencies in the corresponding Financial Plan.

77. The work undertaken by the Audit Committee this year has included:

- review and approval of the Annual Governance Statement for 2012-13;
- review and approval of the Statement of Accounts for 2012-13 and 2013-14 - due to a change in timings, it has been possible for the current years' accounts to also be included in this year's Assurance Governance Statement;
- review of the work and findings of Internal Audit, including the Annual Report and audit opinion on the control environment;
- review of the Council's risk management arrangements;
- review of the work and findings of external audit, including the Annual Audit Letter and Report to Those Charged with Governance;

78. The successful transfer of the Public Health team into the authority in April 2013 offered an opportunity to strengthen our response to both business continuity and emergency planning - to learn from their experience and expertise and to ensure the Council is able to respond to Public Health emergencies. During 2013- 14 the Emergency Planning and Resilience teams have been restructured to ensure the structures are fit for purpose. In addition organisational resilience has been strengthened through the introduction of Corporate Director and Associate Director on call arrangements.

Developing the capacity of councillors and officers to be effective in their roles

79. The Council is committed to the ongoing development of its Councillors and recognises the importance of building up their capacity and effectiveness.

80. The Council's Councillor Development Policy:

- Establishes Councillors' individual training needs and

protocols and allocates budget according to the Council's priorities;

- Ensures equality of access to funds and training events;
- Evaluates the effectiveness of councillor development annually to inform the prioritisation and allocation of funding for future years.

81. A "People Strategy" is in place to support delivery of the business plan and the transformation programme, and priorities to continue embedding the Behaviours Framework and developing the culture of the council are clearly outlined in the strategy. An action plan that outlines the activities needed to deliver the aims of the People Strategy is reviewed regularly and updated annually to ensure the actions are aligned with the priorities in the business plan. The People Strategy outlines priority areas for action which are critical to the delivery of this plan, ensuring that the Council has the workforce capacity it needs to work in different ways and successfully meet current and future challenges.

E) Significant Governance Issues

82. The following have been identified as significant governance issues:

Delivery of the Council's Business Plan 2013-17

Last year the council published its Business Plan 2013-17 that sets out what the council plans to deliver over the next four years. The vision to create stronger and more resilient communities will underpin the work and provide a clear focus to the actions taken. The priorities will also continue to focus on

- **Boosting the local economy - creating jobs and safeguarding jobs**
- **Supporting and empowering communities to do more for themselves**
- **Protecting those who are most vulnerable**

Delivering the Business Plan remains a significant challenge given an increasing demand for key services, such as care for vulnerable children and adults, and highways maintenance, as well as rising inflation costs, and reducing resources. In order to achieve this, the Council will continue to embrace change and adopt a transformational and innovative approach, aligning resources to priorities and challenging if or how services are provided. This will be underpinned by effective performance, financial and workforce information and sound risk management.

Information Governance

In February 2013 the Corporate Leadership Team agreed an action plan to strengthen and improve the Council's information governance arrangements. A number of priority actions have been put in place, including the appointment of a Corporate Director as the Council's Senior Information Risk Owner (SIRO), the establishment of an Information Governance Assurance Group and the introduction of an on-line register of data incidents. The on-line register has been publicised to staff and is working effectively. In addition the council has recently established the Information Management Transformational Board to oversee the delivery of improvements in the council's information management arrangements. The council's Data Protection Policy has been refreshed. At the beginning of July 2014 the council will start a phased roll out of mandatory on-line training programme for all staff, including agency staff, on data protection and good practice in information management. The Information Commissioner will be invited to conduct an information governance audit in order to provide an overview of other steps that may be taken to reinforce the improvement programme already in place.

Safeguarding Children and Young People

The Improvement Notice has now been lifted and the last meeting of the Safeguarding Improvement Board was held on 5 April 2014. A Peer Review of the Wiltshire Children Safeguarding Board (WCSB) took place in December 2013. This judged that the WCSB was able to fulfill its statutory duties.

The Lead Member and Corporate Director (who is the statutory Director of Children's Services) will receive 6 weekly highlight reports on progress. A Safeguarding and Child Protection Improvement Group has been established, chaired by the Associate Director for Operational Children's Services. The Safeguarding Scrutiny Task Group will continue to meet until October 2015.

The Council will continue to have a relentless focus on safeguarding improvement, and in order to monitor progress this safeguarding remains an SGI this year. A safeguarding Peer Challenge will take place in October 2014.

Jane Scott

Leader of the Council

Corporate Directors

Dated

Extract of draft minutes of the Audit Committee – 24 June 2014

21 **Annual Governance Statement**

The Associate Director of Law and Governance stated that the Annual Governance Statement was a statutory requirement. The layout of the Statement was explained and it was stated that Associate Director's input would be collated. Any issue that arose would be in the final version of the Statement in July. It was explained that 'section E' of the Statement set out significant governance issues.

Clarification was sought over the nature of the Annual Governance Statement. It was explained that it was part of the statement of accounts which is intended for public consumption.

The elderly and vulnerable were discussed and it was asked what action had been taken to address their issues in relation to the cost of their care. It was stated that the Overview and Scrutiny Management Committee would look at the overall care package for individuals.

Financial management controls were discussed, as well as the Safeguarding Peer Challenge planned for October 2014. The external peer review was also raised which ensured commitments were being met.

A need to highlight any future changes to the Statement was raised by Members.

Resolved:

To receive and note the contents of the Annual Governance Statement.

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Wiltshire Council

Cabinet

22 July 2014

Subject: Payment of Market Supplements to Social Worker and Social Work Manager Roles

Cabinet member: Councillor Laura Mayes, Children's Services

Councillor Keith Humphries, Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Councillor Stuart Wheeler, Hubs, Heritage & Arts, Governance and Support Services

Key Decision: No

Executive Summary

The purpose of this report is to outline the current difficulties being experienced in the recruitment of experienced social workers and social work managers in children's services and adult care operations, and to outline the decision taken by CLT on 23 June 2014 to pay market supplements to some specific social work roles where the impact of the recruitment difficulties on service delivery has become unsustainable.

The immediate aim of the decision is to improve the recruitment and retention of experienced social workers and managers in the safeguarding and MASH (multi agency safeguarding hub) which is critical to the delivery of services to vulnerable children in Wiltshire.

Proposal

- (a) That cabinet note and support the decision by Corporate Leadership Team on 23 June 2014 to pay 10% market supplement to level 3 and 4 social workers and a 15% market supplement to assistant team and team managers in the children's social care teams for safeguarding and MASH and
- (b) That Cabinet also note that the decision also included the provision to extend these market supplement payments to other experienced social worker and social work managers roles in other areas of children's services and within adult care operations where there is evidence of significant difficulties in recruiting, and where the inability to recruit is having an impact on service delivery that is deemed to be unsustainable and subject to the approval of the associate director for people & business, in conjunction with the relevant associate director.

Reason for Proposal

To improve the recruitment and retention of experienced social workers and social work managers.

Corporate Director, Carolyn Godfrey

Corporate Director, Maggie Rae

22 July 2014

Subject: Payment of Market Supplements to Social Worker and Social Work Manager Roles

Cabinet member: Councillor Laura Mayes, Children's Services

Councillor Keith Humphries, Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Councillor Stuart Wheeler, Hubs, Heritage & Arts, Governance and Support Services

Key Decision: No

Purpose of Report

1. The purpose of this report is to outline the current difficulties being experienced in the recruitment of experienced social workers and social work managers in children's services and adult care operations, and to outline the decision taken by CLT on 23 June 2014 to pay market supplements to some specific social work roles where the impact of the recruitment difficulties on service delivery has become unsustainable.

Relevance to the Council's Business Plan

2. One of the council's three priorities in the Business Plan 2013 – 2017 is to protect the most vulnerable in Wiltshire's communities. Social workers and social work managers have a key role in delivering that priority which means being able to recruit and retain high calibre staff in these roles is critical to delivering the principles and actions that will ensure that we meet this priority.

Background

3. Within the external candidate marketplace there is currently a big discrepancy between the supply of newly qualified social workers (NQSWs) and experienced practitioners. A report published by the Policy Exchange in June 2013, *Reforming Social Work*ⁱ, found that with this in mind the supply of social workers will not equal demand until 2022.
4. Despite the prediction in this reportⁱ by the Policy Exchange there are more students enrolling in social work qualifications than ever, with around 6,000 entrants a year since 2005 and as a result significant numbers of newly qualified social workers are unable to find a job. In 2011, over 1 in 4 (27%) of newly qualified social workers were unemployed in England.

5. At the council there have been difficulties in recruiting experienced social workers and social work managers across both adults and children's services. However the most significant difficulties are currently in all experienced social worker and manager roles in the safeguarding and MASH teams in children's social care. There is also some evidence of current recruitment difficulties in team leader roles in adult care operations.
6. These recruitment difficulties in safeguarding and MASH are a problem across the whole of the UK, and this is due to the complex and stressful nature of these roles. There are currently no significant recruitment difficulties for social work roles in fostering, adoption and children in care.
7. Strategies to recruit social workers and social work managers have been in place since December 2012 with HR&OD working closely with operational managers within children's services and adult care operations to try and improve the situation.
8. A joint advertising campaign for social work recruitment with children's services and adult care operations ran from November 2014 to April 2015 with some significant success, particularly in relation to the recruitment of NQSW's with 20 job offers being made in children's services. The success of the advertising campaign in respect of NQSW's will now enable the development of effective succession plans and build future capacity in the service. However despite this campaign there are still in excess of 30 agency workers in senior practitioner and manager roles in the safeguarding and MASH teams in children's services. In addition five team leader roles remain vacant in adult care operations.
9. Alternative ways of advertising the vacancies are now being developed and a proposal for a renewed recruitment campaign is being progressed with Penna, the council's recruitment advertising agency. The proposal includes a short term strategy to focus on recruitment to current vacancies and a longer term strategy to ensure that the services can continue to build future capacity within the teams and reduce the reliance on agency staff. The proposal also includes opportunities to utilise access to social media forums and other more targeted approaches, as well as traditional advertising in on-line publications that social workers are known to read.
10. As a result of the difficulties being experienced in recruiting experienced social workers and social work managers, and the plan to launch a renewed recruitment advertising campaign, a review of market pay was carried out to benchmark the council against the pay for social work roles in the South West campaign to determine if the payment of a supplement would be needed to improve the councils position in the competitive market for social work recruitment.

Main Considerations for the Council

11. HR carried out a review of pay for social workers and social work managers to ensure the council is competitive, and that the pay scales are at a level that will attract the right calibre of experienced candidates.

12. The council now uses Croners pay data bankⁱⁱ to support the payment of market supplements so this data has been used in this benchmark exercise, and is based on the pay rates in the South West region.
13. The data showed that we pay at the market median for most social work posts. It also showed that we are adrift of the median when compared to the salary maximum for social worker level 4, but only by 2%. This meant that there is little evidence that we need to pay a market supplement based on the median market pay.
14. However given the challenges in recruiting experienced social workers and managers in some children's services teams and social work managers in children's and adult's teams, as well as the competitive pay rates offered by agencies and some other local authorities, a review against the upper quartile market pay for experienced social workers and social work managers has also been carried out.
15. When pay rates for these roles were compared with upper quartile pay the pay rates were adrift by 5% at level 3, 18% at level 4/assistant team manager and 12% at team manager. This means that there is significant variance in the market for roles at different levels, however at the council there are difficulties recruiting to all experienced levels of social work within some children's services teams and social work managers in both children's and adult's services, including at head of service.
16. There are already plans to address the pay for Hay graded posts which means that the current difficulties in recruiting at head of service level should be resolved in terms of the pay for these roles being more competitive. However the most significant risk to the service currently is the inability to recruit experienced front line practitioners and managers in safeguarding and MASH.
17. The Assistant Director for Adult Social Care Ops will be working with HR colleagues to review the need for market supplements in relation to roles in adult social care which we have difficulty recruiting to. Once this review has taken place any actions taken will be made as delegated decisions.
18. The variances in market pay, based on upper quartile pay, are likely to be due to the differing structures in councils for social work. For example level 4 social workers and assistant team managers can be the same level and therefore the same role, whereas we have both. In order to determine an appropriate supplement some caution was needed to ensure we do not increase pay for these hard to fill posts to an extent where we are paying above the upper quartile pay and creating unnecessary disruption to the regional market for these roles.
19. Following discussions with the associate director for children's social care he expressed a preference to pay the same supplement to level 3 and 4 social workers in safeguarding and MASH teams, and the same supplement to assistant team and team managers in these teams, and HR support this approach. It was therefore proposed that a 10% market supplement is applied to the level 3 & 4 social workers and a 15% market supplement is paid to assistant team managers and team managers. It was also proposed that the

same can apply to the team leader roles in adult care operations and the payment of a 15% supplement was therefore recommended for these roles.

20. The financial impact of the application of these supplements is outlined in paragraphs 32 - 35.
21. Whilst the payment of a market supplement based on the upper quartile pay for similar roles in the south west was agreed by CLT, it should be noted that whilst pay may be a clear driver in attracting candidates to apply for posts research says that other factors have a bigger impact on whether a candidate accepts a job offer and whether they stay with an organisation. Other factors include development opportunities, career progression, workload, work life balance and access to flexible working. Therefore this approach will only work if the other factors affecting retention are managed effectively.
22. In response to this and alongside the recruitment activities that have taken place other recruitment and retention initiatives have also been taking place to improve the situation. These include:
 - Reviewing the process of recruiting agency workers to cover the senior practitioner roles that remain vacant. This has included developing a regional forum to improve the quantity and quality of applications through Comensura which is likely to develop in to a more general recruitment and retention forum, and may involve the development of a south west regional CPD conference.
 - Steps to improve the retention of social workers by designing and implementing a professional development programme to support the fast track development of newly qualified and inexperienced social workers, as well as a revised programme of personal development for more experienced social workers. This initiative is at an early stage but resources have now been allocated to move this forward as a priority.
 - A review of the opportunities for more flexible working is being considered as a way to improve the recruitment and retention of experienced social workers who may have taken a career break due to childcare or other caring responsibilities.

Safeguarding Implications

23. The safeguarding implications are directly related to the ability of the council to recruit sufficiently experienced social workers and managers to undertake the statutory safeguarding responsibilities of the council.

Public Health Implications

24. There are no public health implications as a result of the agreed proposals

Environmental and Climate Change Considerations

25. There are no environmental and climate change considerations as a result of the agreed proposals.

Equalities Impact of the Proposal

26. There are no equalities implications as a result of the agreed proposals.

Risk Assessment

27. There is a risk to vulnerable children and adults as a result of the difficulties the council is experiencing in recruiting experienced social workers and managers specifically in the safeguarding and MASH teams in children's social care and team leaders in adult care operations. This risk means that vulnerable adults and children may suffer harm if steps are not taken to improve the council's ability to recruit.

Risks that may arise if the proposed decision and related work is not taken

28. The risk is that we will not have sufficient numbers of appropriately qualified and experience social workers which could mean that vulnerable children and adults may suffer harm.

29. There is a risk that if market supplements are not paid an opportunity to convert some agency staff to permanent roles will be missed thereby increasing reliance on agency staff at a time when we are trying to reduce the numbers and costs of agency workers.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

30. There may be challenges from social worker and social work manager roles about the payment of the supplements and the proposals to apply them to specific roles and teams in children's social care and specific roles in adult care operations. This risk will be managed by effective communications within the services by the relevant associate directors and heads of service.

31. There is a risk that some social workers or social work managers may move from roles that do not pay market supplements to those that do, thereby not increasing our overall resource of social workers whilst raising the cost base. This would, however, result in easier to fill posts since the market supplements apply only to those teams which have historically been more difficult to recruit to.

Financial Implications

32. The total additional cost to the safeguarding and MASH teams within children's services in 2014/15 is £378k. This assumes that all new staff are recruited at level 3 & 4 and that these new staff replace agency staff and current vacancies. The future commitment to the payment of the proposed supplements is £420k per annum. This assumes all current NQSW and level 2 social workers progress to level 3.

33. If the spend on agency workers ceases the budget for the service should match the level of actual spend by 2015/16. Based on previous years' experiences to do nothing will continue to incur costs above the current budget

due to the gap between pay budgets and the cost of agency. At present that is a forecast cost of circa £0.9 million, and that is despite actions to reduce previous gaps caused by the need for agency staff of over £1.5 million. The do nothing option is not therefore supported from a financial perspective and action is required to reduce this pressure in the short and medium term.

34. As such this proposal is focused on short and longer term cost avoidance, but will require additional investment certainly in 2014/15 and potentially in 2015/16 depending on the length of need for agency staff. It is proposed that the additional cost identified is funded from the general fund reserves. The current level of reserves reported to Cabinet in June 2014 identified that reserves were increased by nearly £0.4 million following a small surplus at 2013/14 year end. This is in excess of the risk assessed level of general fund reserves set out in the 2014/15 budget setting papers considered by council in February 2014. As such, given the priority of these proposals linked to the business plan and the fact that it should not be recurring it is recommended that a one off transfer is made in 2014/15 from the general fund and any consideration for 2015/16 is assessed in setting the base budget for that year based on further assessment of the success of market supplements.
35. There is no calculation of the financial impact on adult care operations as the associate director for adult care operations wishes to review the need to pay market supplements to comparable roles within the service to ensure there is clear evidence of significant difficulties in recruiting, and where the inability to recruit is having an impact on service delivery that is deemed to be unsustainable.

Legal Implications

36. The payment of supplements is based on the jobs market for specific posts, and where there is clear evidence that there are significant recruitment and retention difficulties. In this instance, there could be a risk of an equal pay challenge from social workers and managers in other teams in children's services and from social workers in teams within adult care operations. In such circumstances, the Council will need to show that the difference in contractual terms is due to a "material factor" which is neither directly nor indirectly sex discriminatory; it is well-established that "market forces" are a potentially valid "material factor" defence. It has also been stated in binding case law, in relation to claims for indirect discrimination, that "the state of the employment market, which may lead an employer to increase the pay of a particular job in order to attract candidates, may constitute an objectively justified economic ground" for a pay disparity.
37. It is understood the council has in place a robust market supplements policy that supports the agreed proposals, and this has been equality impact assessed and mitigates the risk of challenge.
38. The council has in place a robust market supplements policy that supports the agreed proposals, and this has been equality impact assessed and mitigates the risk of challenge.

Options Considered

39. There are a number of other options being developed to improve the recruitment and retention of social workers and managers. This includes retention initiatives in relation to professional and personal development as outlined in paragraph 21.
40. In addition to these initiatives a renewed recruitment advertising campaign is being progressed and the payment of supplements to the posts outlined will form part of this advertising. The option to advertise roles based on the current salaries has been considered but a recent campaign to attract social workers and managers in children's services was only successful in relation to newly qualified social workers. This and the added pressure of inflated agency pay rates means that the councils position in relation to pay is not competitive for more experienced social workers and manager roles, therefore to do nothing in relation to pay was not a viable option.

Conclusions

41. In response to the ongoing difficulties in recruiting experienced social workers and social work managers in children's safeguarding and MASH teams and team leaders in adult care, it was concluded that a market supplement should be paid to roles in these teams to improve the council's competitive position in the recruitment market, where there are significant and on-going recruitment difficulties.
42. It was agreed by CLT on 23 June 2014 that a 10% market supplement is paid to level 3 and 4 social workers and a 15% market supplement is paid to assistant team managers and team managers in the children's social care teams for safeguarding and MASH on a date to be agreed with the associate director.
43. It was agreed that the associate director for adult care operations considers the payment of market supplements to comparable roles within that service, based on the proposed supplements outlined in paragraph 19, where there is evidence of significant difficulties in recruiting, and where the inability to recruit is having an impact on service delivery that is deemed to be unsustainable.
44. It was also agreed that the application of market supplements based on the upper quartile pay rates is confined to experienced social work roles, and social work managers, excluding Hay grades, only.
45. A review of the market supplements will take place annually in line with the councils market supplements policy. If the market indicates that pay has increased the supplement will increase, and if the market indicates that the pay has decreased the current supplement will be reduced, and in the case where the market indicates that a supplement is no longer required pay will be protected for 12 months.

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Background Papers

ⁱ Reforming Social Work – Report by Policy Exchange June 2013

ⁱⁱ Croner Reward Market Rate Report May 2014