

AGENDA

Meeting: Cabinet

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 16 January 2024

Time: 10.00 am

Please direct any enquiries on this Agenda to Stuart Figini of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 or email committee@wiltshire.gov.uk

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

Membership:

Cllr Richard Clewer	Leader of the Council and Cabinet Member for Economic Development, Military-Civilian Integration, Heritage, Arts, Tourism, Health and Wellbeing
Cllr Laura Mayes	Deputy Leader and Cabinet Member for Children's Services, Education, and Skills
Cllr Phil Alford	Cabinet Member for Housing, Strategic Assets and Asset Transfer
Cllr Ian Blair-Pilling	Cabinet Member for Public Health, Leisure, Libraries, Facilities Management, and Operational Assets
Cllr Nick Botterill	Cabinet Member for Finance, Development Management and Strategic Planning
Cllr Jane Davies	Cabinet Member for Adult Social Care, SEND and Inclusion
Cllr Nick Holder	Cabinet Member for Environment and Climate Change
Cllr Ashley O'Neill	Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities, and Area Boards
Cllr Caroline Thomas	Cabinet Member for Transport, Street Scene, and Flooding

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Part I

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

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To confirm as a true and correct record and sign the minutes of the Cabinet meeting held on 12 December 2023.

3 **Declarations of Interest**

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

4 **Leader's Announcements**

To receive any announcements from the Leader of the Council.

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. Questions may also be asked by Members of the Council.

Written notice of questions or statements should be submitted to Democratic Services at committee@wiltshire.gov.uk by 12.00 noon on Wednesday 10 January 2024.

6 **Safety Valve Update** (*Pages 17 - 28*)

Report of the Corporate Director, People.

7 **Recommissioning for the Provision of Advocacy Services for Adults** (*Pages 29 - 38*)

 Report of the Chief Executive.

8 **Urgent Items**

Any other items 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

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 12 DECEMBER 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Nick Holder and Cllr Caroline Thomas

Also Present:

Cllr Richard Budden, Cllr Clare Cape, Cllr Tony Jackson, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Dominic Muns, Cllr Tamara Reay, Cllr Christopher Williams and Cllr Robert Yuill

106 **Apologies**

Apologies were received from Cllr Jane Davies and Cllr Phil Alford.

107 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 November 2023 were presented for consideration.

Resolved:

To approve and sign the minutes of the meeting as a true and correct record.

108 **Declarations of Interest**

There were no declarations of interest.

109 **Leader's Announcements**

The Leader made the following announcements:

1) Cllr Tony Trotman

The Leader paid tribute to Calne Councillor Tony Trotman who passed away on 30 November 2023. He represented Calne Chilvester and Abberd on Wiltshire Council since 2009 and was the Chair of the Northern Area Planning Committee throughout that time. He had previously been a member of both Wiltshire County Council and North Wiltshire District Council. He served on Calne Town Council for over 20 years, including serving as mayor on four occasions. He would be sadly missed as a friend and Councillor.

2) Programme 3 Integrated Community Based Care (ICBC) Update

The Leader referred to the update which was available to read in [Agenda Supplement 1](#).

3) Children's Services - Ofsted Report Results

Cllr Laura Mayes, Deputy Leader and Cabinet member for Children's Services, Education and Skills congratulated the hardworking staff who have been recognised by Ofsted as providing Outstanding support and care to make a positive difference to children and young people's lives.

She stated that "We want the very best for all our children and young people, so they are not held back by circumstances. We will do everything in our power to be the very best corporate parent and provide excellent support and care. Ofsted has recognised across the board the council is fully committed to supporting every child to achieve. We have always wanted to focus on achieving the highest rating as a reflection of our firm commitment to our children and young people".

"We listen to our children and young people and families, and this feedback and interaction has really steered the way we have moved forward. We are never complacent, and we will always be looking at how we can improve still further to maintain high standards and to provide the best opportunities for all".

The full article is available at this link - [Wiltshire Council rated "Outstanding" for making a "positive difference to children's lives - Wiltshire Council](#)

Cllr Jon Hubbard – Chair of the Children's Select Committee and Cllr Gordon King, thanked both the officer team and the Cabinet for accepting the challenge of transforming Children's Services in Wiltshire. Members recognised the work undertaken to allow the changes to take place over the years and thanked Cllr Mayes and the Cabinet for supporting these changes.

110 **Public Participation**

[Agenda Supplement 1](#) included details of questions submitted for the meeting, together with responses.

Cllr Richard Budden asked a supplementary question about following other council's lead in the reduction of greenhouse gas emissions resulting in savings to Wiltshire Council.

Cllr Nick Holder, as the relevant Cabinet Member, referred to a response that he provided at Full Council on 17 October 2023 about this issue. Cllr Holder was disappointed that he had to refer to his earlier response and comment on particular wording in Cllr Budden's original question.

Cllr Jerry Kunkler, Chair of the Environment Select Committee invited Cllr Budden to attend the Select Committee in 2024 when they would be

considering a report on the collection of food waste and the associated environmental impacts.

111 **Fleet Strategy 2023 - 30**

Cllr Caroline Thomas, Cabinet Member for Transport, Street Scene, and Flooding presented a report which provided detail about the Fleet Strategy 2023 to 2030.

Cllr Thomas explained that the Strategy gives a clear road map for capital investment, vehicle replacement, revenue funding and climate outcomes. It details how the management of the fleet will ensure the Council is a high performing organisation, recognises effort by monitoring outcomes with rewards for achievement, focusses operations on making a difference by maximising the use of resources to deliver the best outcomes Wiltshire communities and the environment, and underpins the move to sustainable business travel with the Council committed to working towards zero carbon emissions by 2030 with the fleet playing a major role in achieving this.

Cllr Thomas commented on the engagement with the Energy Savings Trust to establish a baseline and outcomes for the new strategy, which were reviewed by an officer group to include in the new strategy. It was noted that capital funding was approved for the delivery of the Strategy's vehicle replacement programme, however, any additional vehicles would need capital/revenue bid(s) to be made at the time and the replacement costing built into the financial plan if required. In addition to the Strategy identifying how the Council manages its owned fleet it also considers other associated Council travel, such as contractor and Grey Fleet (personal vehicles) travel.

Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Leisure, Libraries, Facilities Management and Operation Assets welcomed the Strategy and recognised that the current fleet was due for replacement. He also noted the many different types of vehicles in the current fleet.

The Leader thanked officers for a very detailed report and for taking into account the many and varied type of vehicles in the Council fleet.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, agreed that the fleet needed to be renewed, he asked about the use of sustainable fuels and the future revenue costs. Cllr Thomas and the Leader explained that the Council's desire is for a fully electric fleet with a rolling replacement programme whilst monitoring the use of alternative fuels. The report detailed the capital and revenue position, and Cabinet members were confident that revenue costs would be achievable especially as a reviews were being built into the process.

Cllr Jerry Kunkler, Chair of the Environment Select Committee, reported that the Select Committee considered the Strategy at their meeting on 7 November 2023. They welcomed the Strategy and comments were made about the use of methane to power vehicles, reduction in the baseline number of vehicles and

the launch of Demand Responsive Transport Project. The Select Committee asked for an update on the delivery of the Strategy in November 2024.

Cllr Dr Brian Mathew also commented on the potential use of methane to power fleet vehicles and suggestions from Wiltshire Climate Alliance about the use of cargo bikes. It was noted that the use of methane was currently outside of the scope of the Strategy although, as mentioned earlier in the meeting the use of alternative fuels would continue to be monitored. The Leader referred to an example of Cornwall Council in the early stages of using methane to power vehicles. The use of cargo bikes could be explored further if opportunities arise.

Resolved:

That Cabinet:

- 1) Approves the Wiltshire Fleet Strategy 2023 – 2030.**
- 2) Notes the Fleet capital and revenue vehicle replacement funding for 2023 – 2025 has already been approved and is being implemented in line with the Strategy.**
- 3) Notes the vehicle review being undertaken by the Waste Service and that a capital bid will be made on its completion.**
- 4) Recommends that Full Council approves the Fleet capital and revenue vehicle replacement requirement for 2026 – 2030 as detailed in the Strategy and adds the phase two - £7,145,955 and phase three - £4,057,430 requirements to the Capital Programme.**

Reason for Decision:

To support the Council to evolve its travel to deliver the Climate Pledge, to meet the Financial Plan, to have a vehicle replacement programme that meets the needs of its services, to ensure data led decisions and to detail a capital replacement programme.

112 Home Upgrade Grant Scheme 2 (HUG2) Procurement

Cllr Nick Holder, Cabinet Member for Environment and Climate Change presented a report which provided an update on the procurement process for the delivery of the Home Upgrade Grant, and the procurement approach being taken.

Cllr Holder reported that Wiltshire Council has been successful in securing more than £3.6m of Home Upgrade Grant (HUG2) from the government to assist with energy efficiency measures of existing housing in the county. It has been awarded to retrofit up to 210 Wiltshire Homes by March 2025, supporting the council's ambition to be carbon neutral by 2030.

Cabinet noted that the HUG2 is a grant funding scheme launched by the Department for Energy Security and Net Zero to help local authorities to provide

energy efficiency upgrades and low carbon heating systems to low-income households. The scheme targets the most underperforming homes without mains gas central heating, with 60% of the national funding ringfenced for rural Local Authorities.

Cllr Holder explained that a key focus of the scheme is to increase the energy efficiency of homes and phase out the use of fossil fuel heating to make progress towards meeting the UK's 2050 Net Zero commitment. It will also support improved household health and wellbeing by reducing the number of cold homes and play a key role in the government's wider programme of green retrofit. He further explained the benefits of investing in energy efficiency upgrades.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, welcomed the report and proposals and asked if a database existed of the properties eligible for grant funding, and whether boats and traveller sites were included for consideration. Cllr Holder noted the challenge ahead in identifying properties eligible for grant funding and explained that outreach would be undertaken with community groups and the eligibility criteria for funding was available in the appendix to the Cabinet report.

Cllr Jerry Kunkler, Chair of the Environment Select Committee, reported that he and Cllr Bob Jones MBE, Vice-Chair of the Select Committee received a briefing from officers on the Strategy at their meeting on 6 December 2023. They welcomed the report and supported the proposals.

Cllr Richard Budden supported the proposals and welcomed the outreach to community groups which would be crucial for the delivery of the programme.

Resolved:

That Cabinet:

- 1) Agree that a Find a Tender Service (FTS) compliant contract be awarded to enable the delivery of energy efficiency improvements to low-income owner-occupied homes in Wiltshire.**
- 2) Delegate authority for awarding the contract to the new service provider/s to the Corporate Director for Resources & Deputy Chief Executive, and the Director for Environment in consultation with the Cabinet Member for Environment and Climate Change.**

Reason for Decision:

The recommendations included in this paper have been proposed following extensive research and in consultation with subject matter experts. The justification for each of the procurement proposals included in this report are as follows:

- 1) *Retrofit services will be procured via a FTS compliant means. This is to speed up the procurement of the services by removing the need for the council to run its own tender process.*
- 2) *A turnkey contractor will be procured to manage and deliver all the services required to deliver a HUG2 project. This is more efficient than the council managing multiple contracts and reduce the level of resource required from the council.*
- 3) *Quality assurance will be provided by an organisation which is independent from the turnkey contractor. Auditing of ten percent of each property archetype will check for quality and any issues can be raised early in the project.*
- 4) *The council will seek to work with local SME's who can deliver the specialist retrofit services required, either as the turnkey contractor or as subcontractors to the turnkey contractor.*

113 **Setting of the Council Tax Base for 2024/25**

Cllr Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning presented a report to ensure that the Council Tax Base for 2024/25 is set and approved by the statutory date of 31 January 2024 on which the Council, major precepting authorities and local precepting authorities set their precepts and budgets for 2024/25.

Cllr Botterill explained that the Council is required to approve its Council Tax Base annually, in accordance with the Local Government Finance Act 1992 and The Local Authorities (Calculation of Council Tax Base (England)) Regulations 2012. The Council Tax Base 2024/25 must be notified to Major Precepting Authorities (the Office of the Police & Crime Commissioner for Wiltshire & Swindon and Dorset & Wiltshire Fire and Rescue Service) and Local Precepting Authorities (Town and Parish Councils) by 31 January 2024.

He reminded Cabinet they at its meeting on 12 September 2023 they approved to consult on proposals to changes to the Council Tax Reduction (CTR) Scheme for working aged people. The report provided an update on the results of the consultation, and also raised awareness of changes to legislation giving council's the discretionary power to add premiums of up to 300% to those owning second homes.

It was noted that a further report will be brought to Cabinet with recommendations on premium charges following the enactment of the Levelling Up and Regeneration Bill for England.

Cllr Chris Williams, Vice-Chairman of the Overview and Scrutiny Management Committee commented on behalf of the Financial Planning Task Group which met on 8 December and considered the report. The Task Group welcomed the report and supported its proposals, although they felt that adding the precept for 2023/23 would have been a useful comparator to the tax base for 2024/25 as detailed in the appendix to the report.

Resolved:

Cabinet to approve:

- 1) The Council Tax Base 2024/25 of £194,423.87;**
- 2) That the Chief Finance Officer (Director, Finance & Procurement (S151 Officer)) is given delegated authority to determine the estimated Collection Fund balances (Council Tax and Business Rates) as of 31 March 2024 by 15 January 2024.**
- 3) To note the results of the Council Tax Reduction Scheme review consultation.**

Reason for Decision:

Before the Council Tax can be set by the Council in February 2024 a calculation must be made and approved of the Council Tax Base, which is an annual requirement as laid out in the Local Government Finance Act 1992. The council must set this and notify major and local precepting authorities by 31 January 2024.

Following the public consultation on proposed changes to the Council Tax Reduction scheme it is best practice to report back to Cabinet the results and any recommendations to be considered.

114 Provision of Education Learner with Social, Emotional and Mental Health Needs

Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education and Skills presented a report which outlined proposals to commission an external education provider to provide 45 places for primary age children and 15-25 places for secondary age young people with Education Health and Care Plans and Social, Emotional & Mental Health (SEMH) profile of need in Wiltshire for Wiltshire children and young people.

The Deputy Leader explained that the Council has a significant need for Primary Day Special Social, SEMH provision in Wiltshire for children with EHCPs. She highlighted that currently, there is no maintained special school provision for primary-aged learners in Wiltshire, despite a growth in demand for SEMH special school places.

Cabinet noted that the Council is supporting increasing numbers of secondary age pupils currently struggling to access mainstream education due to high levels of anxiety and there is a lack of in county provision to support learners in reintegration into school settings. Due to the current lack of sufficiency the Council are placing high numbers of children in independent special schools often result in children traveling long distances and being further removed from their local communities.

The Asset Gateway and Capital Programme Board approved in February 2023 for Melksham House to be leased to a commissioned external provider to deliver education provision following required site renovations. Cllr Phil Alford, Cabinet member for Housing, Strategic Assets and Asset Transfer recently visited the site and commented on how he was impressed with the excellent facility and pleased that it was at the heart of the community in the town centre. Cllr Caroline Thomas, Cabinet Member for Transport, Street Scene and Flooding added her support for the proposals and noted that the life chances of children would be significantly improved.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, supported the proposal and agreed with the positive views of Cabinet members.

Cllr Jon Hubbard, Chair of the Children's Select Committee reported that he and Cllr Jacqui Lay, Vice-Chair of the Children's Select Committee received a briefing on the report on 7 December 2023. They welcomed the exciting proposals which would help with the immediate demand and the Council's reliance on out of county placements.

Cllr Hubbard, in a personal capacity, commented on the funding issues surrounding EHCPs and the need to concentrate on individual needs as one size did not fit all.

Resolved:

- 1) Approve the award a 5 plus 5 year contract to an external education provider, to provide 45 places for primary age children and 15-25 places for secondary age young people with EHCPs and Social, Emotional & Mental Health (SEMH) needs in Wiltshire for Wiltshire children and young people. This will include an annual review of the contract.**
- 2) Note that the contract award will follow officers completing the tender programme, award, and implementation of a new contract for the provision of OFSTED registered education by 31 March 2024, with a clear mobilisation period to support opening in September 2024.**
- 3) To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director, People, in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills.**

Reason for Decision:

To ensure primary and secondary aged children and young people with EHCPs and Social, Emotional and Mental Health (SEMH) profile are provided with fulltime equivalent education in an OFSTED registered school, tailored to their individual needs.

To ensure cost effective placements for children and young people within buildings owned by Wiltshire Council by leasing them to a provider at a peppercorn rent through a new contract.

115 Disposals Programme Update

Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets and Asset Transfer presented the report which provided a six-month update on the Council's disposal programme.

Cllr Alford explained that the Council had a programme for disposal of sites that are surplus to requirements which generate capital receipts which contribute to the capital programme.

The report presented a position in respect of completed and projected receipts and a request to declare eight assets as surplus. Also the report requested to authorise the Director of Assets to dispose of the freehold and approve the sale or in their absence the Corporate Director Resources, in consultation with Cabinet Member for Housing, Strategic Assets, Asset Transfer.

Cllr Alford highlighted the key points from the report. He noted that the projected Capital Receipts for the two years from 2021/22 to 2022/23 were initially set at £5.916m. The actual amounts received from sales, net of allowable costs for 2021/22 was £2.892m and £1.827m for 2022/23. A total of £4.719m. In addition, the projected Capital Receipts for 2023/24 had been set at £3.8m reprofiled for 2024/25 at £2.25m and for 2025/26 the target is £1.25m. From 2026 onwards the target is projected at £1m.

Cllr Clare Cape commented on the site at Pewsham Lodge Farms south of Pewsham Way, Chippenham and questioned why the site was on the disposal list as it appeared that the Local Plan had already been processed. The Leader explained that two sites were to be declared surplus and these had been identified in the Reg 19 Local Plan for development. He was very clear that the two sites – Land at Shoddesdon Lane, Ludgershall and Pewsham Lodge Farms south of Pewsham Way, Chippenham, were being declared surplus in order to demonstrate that the land is available for development thereby supporting the Local Plan allocation and this is not pre-judging any decision to be made by the Local plan Inspector at a later date.

Resolved:

That Cabinet

- 1) Note the current position in respect of receipts for the financial year 2022/3.**
- 2) Approve the disposal of the 8 assets in Appendix 2 to generate capital receipts in support of the Council's capital programme.**
- 3) Authorise the Director for Assets to dispose of the assets, or in their absence the Corporate Director, Resources, in consultation with Cabinet Member for Housing, Strategic Assets, Asset Transfer.**

Reason for Decision:

To note the current position in respect of capital receipts for the financial year 2023/24, and confirm the freehold interest in the 8 assets can be sold to generate capital receipts, after a review of the options to determine how the best overall interest of the Council can be achieved.

116 **Urgent Items**

There were no urgent items.

117 **Exclusion of the Press and Public**

Resolved:

To agree in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Numbers 118 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public .

118 **Safety Valve Agreement**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Economic Development, Military-Civilian Integration, Heritage, Arts, Tourism, Health and Wellbeing, Cllr Laura Mayes, Deputy Leader of the Council and Cabinet Member for Children's Services, Education and Skills, Cllr Nick Botterill Cabinet Member for Finance, Development Management and Strategic Planning presented the report seeking agreement that the Plan should be submitted to the Department for Education to form the basis of a Safety Valve Deal for Wiltshire.

Resolved:

That Cabinet approves:

- 1) **Submission of the draft Safety Valve Plan to the Department for Education on 15th December 2023.**
- 2) **Submission of a capital bid for additional High Needs Places Capital Allocation (HNPCA) grant as part of the Safety Valve plan in line with DfE guidance.**
- 3) **Proposed addition of £10m to the capital programme in lieu of any further HNPCA grant in 2024/25.**
- 4) **Delegated authority to the Corporate Director for People, in consultation with:**

- Cabinet Member for Children’s Services, Education and Skills
 - Cabinet Member for Adult Social Care, SEND and Inclusion
 - Cabinet Member for Finance, Development Management and Strategic Planning
 - Chief Executive
 - Director of Finance & Procurement to undertake such amendments as negotiated with the Department for Education.
- 5) **Submission of a final Safety Valve Plan to the Department for Education on 12 January 2024, subject to approval from the Cabinet Member for Children’s Services, Education and Skills, and the Cabinet Member for Adult Social Care, SEND and Inclusion.**
- 6) **A written update paper for the Cabinet meeting on 16 January 2024 that set out changes made to finalise the Safety Valve plan.**

Reason for Decision:

This proposal will allow the submission of the draft plan to government which can then be negotiated and submitted in its final form. Work can begin on delivering the DSG management plan so that SEND services can be improved and made sustainable.

(Duration of meeting: 10.00 am - 12.30 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail committee@wiltshire.gov.uk

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Wiltshire Council

Cabinet

16 January 2024

Subject: Safety Valve Agreement Update

Cabinet Member: Councillor Laura Mayes - Cabinet Member for Children's Services, Education, and Skills
Councillor Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion
Councillor Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Non-Key

Executive Summary

Safety Valve is a Department for Education (DfE) programme that supports Councils who have a very high deficit in the High Need Block (HNB) of the Dedicated Schools Grant (DSG).

The HNB is the part of the DSG that primarily supports pupils who have Special Educational Needs or Disabilities (SEND), and approximately two thirds of councils in England have some level of deficit in their HNB. In Wiltshire this cumulative deficit has grown from £2.1m in 2018/19 to £35.2m in 2022/23 and it is forecast to continue growing.

This deficit has been held in a negative reserve on the council's balance sheet while a statutory override is in place to shield the rest of the Council from this deficit. However, the statutory override is due to end in 2026.

Safety Valve offers councils additional funds from the DfE to help with their historic deficits, so long as the Department is satisfied that the council can return their DSG to a balanced position over the period of the deal.

In December 2023, Cabinet agreed a strategic approach to DSG sustainability that could form the basis of negotiation with the Department for Education (DfE). This paper was presented with endorsement from Wiltshire Schools Forum, Children's Select Committee and a representational board including members from B&NES Swindon and Wiltshire (BSW) Integrated Care Board (ICB) and Wiltshire Parent Carer Council (WPCC).

Cabinet agreed to submit a draft version of the plan to government and, following comment and challenge from the DfE, for the plan to be amended and resubmitted on January 12th 2024.

Feedback from the DfE was positive with the strategic approach and strong commitment to co-design were singled out for praise, especially given the short timeline.

While the plan is substantively the same, some changes have been made to reflect comments received and new information:

- The unmitigated pupil number forecast has been updated to include the children and young people currently awaiting assessment.
- The unmitigated financial forecast has been updated to reflect the settlement and updated 23/24 position. These changes have been rippled through the future years.
- The mitigated position has been updated accordingly.
- Milestones have been added to give more assurance that the plan is deliverable and then, following advice from the DfE, some of these milestones have been brought forward so the impact is felt more quickly.
- The narrative has undergone minor amendments to reflect comments received during the drafting process and to clarify terminology where needed.

It should also be noted that since the draft submission in December, a Disapplication request has been submitted to the Secretary of State for a block transfer above 0.5% from the Schools Block to the High Needs Block. This is for 0.55% this year, and was submitted with support from Schools Forum.

The capital request to support this plan was also submitted on 5th January 2024. This bid is for £5.7m to expand special schools places in the south of the county and will directly contribute towards delivery of Workstream 2.

The plan was submitted in its final form on the 12th January and will now go forward to the Secretary of State for approval. It is expected that, given the positive feedback from the DfE advisors, approval will be given and the government will send a deal for review and signature before April 2024.

Given the ambitious approach that the plan requires, the Programme Team will begin delivery of the plan immediately to ensure key conversations are already happening before April 2024.

Proposals

That Cabinet note:

- 1) the changes made to the Dedicated Schools Grant (DSG) Management Plan and the SEND Sustainability plan.
- 2) the submission of these documents to the Department for Education (DfE) on 12 January 2024.
- 3) the continued progress to reduce and remove the financial risk that the deficit in the High Needs Block (HNB) represents.

Reason for Proposals

The submission of amended documents to the DfE was agreed at Cabinet on the 12 December 2023 and this update ensures that Cabinet are kept apprised of the changes.

16 January 2024

Subject: Safety Valve Agreement Update

Cabinet Member: Councillor Laura Mayes - Cabinet Member for Children's Services, Education, and Skills
Councillor Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion
Councillor Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Non-Key

Purpose of Report

1. To update on the draft Safety Valve plan and highlight the changes that were made, in response to Department for Education feedback, in advance of the 12th January submission. This version will now go forward for Secretary of State approval and to form the basis of a Safety Valve Deal for Wiltshire.

Relevance to the Council's Business Plan

2. The Safety Valve plan will ensure that the Dedicated Schools Grant will be brought back into a balanced position. This a significant financial risk and so removing it will support the delivery of the Council's priorities as set out in the Business Plan.
3. The deliver of the Safety Valve plan will also provide better outcomes for children with SEND in Wiltshire, supporting the following Business Plan priorities:
 - i. Resilient Communities
 - ii. Empowered People
 - iii. Thriving Economy

Background

4. The Dedicated Schools Grant (DSG) is funding which local authorities in England receive to support schools. The DSG is split into four blocks which support different parts of the schools system.
5. One of these blocks is the High Needs Block which is used to support children and young people with Special Educational Needs and Disabilities (SEND).
6. Since 2018/19 the High Needs Block has been under increasing pressure. This growth in expenditure has been seen in every council in England, and Wiltshire is no exception.
7. This growth is the result of changing practice following The Children and Families Act 2014, SEND Regulations 2014 and the SEND Code of Practice 2015 which introduced new statutory obligations for local authorities in England in how they support children and young people with SEND.

8. In Wiltshire from 2018/19 to 2022/23, this equated to a 51% growth in the number of children supported by an EHCP, and a 46% growth in the amount of money being spent from the High Needs Block. Over the same period, the money received into the High Needs Block from government only grew by 36%. The Association of Directors of Children's Services estimate that, as of 2022, this is a £2.6bn problem across every council in England.
9. While High Needs Block income has not kept pace with the growth in demand, there are also changes that councils can make to respond to the changing strategic context.
10. This problem has received some attention over recent years, and this is reflected in the introduction by government of a statutory override. This override allows councils to hold their DSG deficit as a negative reserve on their balance sheet, walled off from the rest of the council's finances. This statutory override, however, is due to expire 31st March 2026 and at that point, councils will be expected to hold sufficient reserves to cover the remaining deficit.
11. The Wiltshire Council DSG deficit forecast suggests that, by April 2026, the cumulative unmitigated deficit could be £117.0m while the current forecast total general fund and earmarked reserves are £90m.
12. The invitation to join Safety Valve was received in August 2023 and an initial meeting with the Department for Education was held in early October 2023. The plan was submitted in draft form on December 15th, it was then amended and resubmitted on 12 January 2024.
13. If a deal can be successfully negotiated, and receives Secretary of State approval, the implementation phase begins in April 2024.

Main Considerations for the Council

14. Since Cabinet agreed the submission of the draft High Needs Block Sustainability Plan, it has been amended in the light of comments from the Department for Education (DfE) and from other stakeholders.
15. The unmitigated pupil number forecast has been updated to include the children and young people currently awaiting assessment. Built into this is the assumption that the assessment backlog can be cleared within two years. This update does not change the end position, which was based on the percentage of school cohort expected to have an EHCP, but it does bring through a bulge of pupils in the 2024/25 and 2025/26 years.
16. The unmitigated financial forecast has been updated to reflect the settlement and the updated 23/24 position. This means that the financial forecast better reflects the starting point of the plan, and the Q3 monitoring. These changes have been rippled through the future years to provide a better financial forecast.
17. The mitigated position has been updated in line with the above changes. This does not substantively change the outcome but does increase the final deficit balance by £1.2m to £137.2m

18. Milestones have been added to the plan to give more assurance that it is deliverable. These milestones have been developed and now form the basis of the delivery plan. Following advice from the DfE, some of these milestones have been brought forward so the benefit is realised more quickly, this is especially important for some of the early help projects.
19. The narrative within the plan has undergone minor amendments to reflect comments received during the drafting process and to clarify terminology where needed.
20. A request to the Secretary of State has been submitted for a block transfer above 0.5% from the Schools Block to the High Needs Block. For 2024/25 this figure is 0.55% and was submitted with support from Schools Forum.
21. It should be noted that the High Needs Block sustainability plan requires a 1% block transfer beyond 2024/25 and this has not been yet agreed by Schools Forum. This decision will be subject to a vote by Schools Forum for each financial year, and a further request to the Secretary of State.
22. The capital request to support this plan was also submitted on 5th January 2024. This bid is for £5.7m to expand special schools places in the south of the county and will directly contribute towards delivery of Workstream 2.
23. The DfE did raise concerns about the resource required to clear the backlog of children and young people awaiting assessment. This work is undertaken by the Statutory SEND team, which is not funded through the Dedicated Schools Grant. Additional resource has been identified in the Medium Term Financial Strategy (MTFS), however monitoring needs to be in place to ensure this is sufficient.
24. Similarly, the DfE sought assurance that, given how ambitious and front loaded the HNB Sustainability Plan is, the Council had sufficient resource allocated to programme delivery. Funding has been identified through the Transformation Reserve to support the first year of this plan but Council will need to consider if further resource is required.
25. Finally, the final deficit figure has risen in this latest version of the plan. The contribution from the DfE has not yet been agreed but it is a fixed figure so this rise increases the Local Authority contribution to paying off the deficit. The previously reported range of £70-90m still reflects the expected position.

Safeguarding Implications

26. The Safety Valve Plan does not, in and of itself, have any safeguarding implications. It is expected that, if it is fully implemented, it should reduce the risk to children and young people.
27. However, nationally, children with disabilities are 3.7 times more likely to suffer abuse, and so during the implementation phase of this plan, careful consideration will be given to unintended consequences that could lead to an increased safeguarding risk.

Public Health Implications

28. The decision to submit a draft Safety Valve Plan, and open discussions with the DfE about a Safety Valve Deal, does not on its own have public health implications.

29. If the Safety Valve Deal reaches the implementation phase then each individual intervention will need to be understood in terms of the public health implications. SEND is a factor that impacts public health, and the Programme Team will continue to work closely with the Public Health team.

Procurement Implications

30. The decision to submit a draft plan and enter into discussions around a Safety Valve Deal does not have procurement implications.
31. If the Safety Valve Plan becomes a deal then each proposal would need to be reviewed by an appropriate Procurement Officer.

Equalities Impact of the Proposal

32. The Safety Valve Plan does not, in and of itself, impact people with protected characteristics. The potential outcome at this stage is a financial agreement between Wiltshire Council and the DfE.
33. However, if the Safety Valve plan becomes an agreement, and that includes changes to services, those proposals would be subject to an Equalities Impact Assessment.

Environmental and Climate Change Considerations

34. This decision does not directly have any environmental or climate change impacts that need to be considered. However, if this plan becomes a Safety Valve Deal then the interventions will need to be understood in the context of the environment and climate change.
35. As an example, should the plan be implemented then fewer children will need to be placed out of county and this will result in a reduced carbon footprint for travel.
36. Any environmental or climate change impacts that have already been identified are in the main body of the Safety Valve plan (Appendix 1).

Workforce Implications

37. This decision will not directly have workforce implications, however if the plan is taken forward and a Safety Valve Deal is signed, then each mitigation will need the workforce implications to be set out.
38. Anticipated impacts on workforce can be found in the main body of the Safety Valve Plan (Appendix 1)

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

39. If the decision is not taken then the financial risk of the DSG deficit remains on the balance sheet of the council. There is a risk that, if the statutory override ends as anticipated in April 2026, the entire deficit becomes the councils to manage. The deficit is forecast to be £113.5m by that point. It is not thought that the council could effectively manage this risk without the support of a Safety Valve Deal.

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

40. If the decision is taken to enter into a Safety Valve Deal, the council will be responsible for delivering that deal. There is a risk that if the council falls behind on the deal that further work will have to be undertaken to bring the plan back in line, this may include further investments to ensure delivery. To mitigate this risk, there is a robust process of monitoring in place, with clear measures regularly reported on.
41. There is a risk that the council will see an increase in legal challenge and tribunals arising from the SEND decision making process. This risk is being mitigated through the plan, by ensuring the council is confident in the support being provided to children with SEND, by ensuring that the council has efficient and well defined processes in place. Additionally, the plan is being co-designed with parent carers, schools, early years settings and colleges to create shared ownership and buy-in.

Financial Implications

42. The proposed plan has been updated to reflect the DSG funding settlement announced in December, the current DSG forecast for 2023/24 and the changes required to reflect the children and young people currently awaiting assessment.
43. The updated plan includes mitigations of £83.0m to be delivered over 5 years across the 5 workstreams. This is the net impact after the required investment to deliver increases in support and early intervention, and to cover the revenue costs of additional specialist places across Wiltshire schools.
44. The plan includes capital investment in the delivery of new special school and resource bases across Wiltshire. This includes current plans funded by High Needs Places Capital Allocation (HNPCA) grant and council contributions and incorporates funding already agreed by the DfE to support the development of a new 130 place special free school for pupils with social, emotional and mental health needs.
45. The plan also includes an assumption that the council's application for a free school to deliver Alternative Provision will be successful. A decision from the DfE has not yet been announced.
46. In order to deliver the required place sufficiency across the period of the plan a bid to the additional HNPCA grant made available to councils on the Safety Valve programme has been made for £5.7m in order to accelerate the delivery of additional special school capacity.
47. The profile of the mitigated deficit is summarised as follows:

Provision Type	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
Plan Year	1		2	3	4	5
Mainstream Provision	22,875	24,019	25,254	20,379	16,112	11,896
Resourced Provision	4,249	5,353	6,295	6,390	6,169	6,325
Special Schools	27,026	32,364	34,952	37,110	38,325	40,229
Independent and Non-maintained Special School Provision	20,207	19,705	19,024	15,110	6,100	4,143
Post 16 Provision	10,881	11,491	11,958	12,107	12,044	12,506
Alternative Provision	10,198	9,464	8,912	8,808	8,623	9,708
Therapies	560	560	773	782	792	801
Other High Needs Block expenditure	1,103	786	810	834	859	885
Total Expenditure	97,098	103,744	107,977	101,520	89,024	86,494
High Needs Block	-70,798	-73,465	-75,669	-77,939	-80,277	-82,685
Block Transfers	-1,797	-2,000	-3,754	-3,867	-3,983	-4,102
In Year Surplus (-)/Deficit(+)	24,504	28,280	28,555	19,715	4,765	-293
Surplus/Deficit from other DSG Blocks	-3,470	0				
Surplus/Deficit Brought Forward from Previous years	35,214	56,247	84,527	113,081	132,796	137,561
Total Deficit Balance	56,247	84,527	113,081	132,796	137,561	137,267

48. The decision to enter the Safety Valve deal will crystallise the requirement of a contribution from the council's resources which will in effect be the balance of the cumulative deficit set out in the plan less any contribution from the DfE.
49. The council will be taking an approach of maximising all opportunities to set money aside in a specific earmarked reserve to fund the contribution required. If sufficient funds are not set aside by the end of the plan period (April 2029) then the council will need to capitalise the residual balance.

Legal Implications

50. The submission of the plan to the DfE does not, in and of itself, have legal implications. However, should the plan become a Safety Valve deal then the council will enter into a formal written agreement with the DfE.
51. Safety Valve Deals are largely standardised documents that set out, at a high-level, the commitment that the council has to reaching a balanced DSG position, and the commitment that the DfE has to provide additional DSG to support deficit reduction.
52. This deal will need to be reviewed by Legal Services to ensure that the legal implications are sufficiently considered before the deal is signed.

Options Considered

53. Decline the offer to develop a Safety Valve agreement – this was rejected because the lack of up front investment from the Department for Education would significantly compromise the ability of the council to deliver the change required. This delay would increase the cumulative deficit still further, which would increase the impact on the Council's general funds.
54. Attempt to negotiate a slower reduction in the overspend – this was rejected for two reasons, firstly it is understood that the DfE is unlikely to accept any deal longer than the 5 years that we are proposing. Secondly, the delay in managing the overspend would result in an increase in the deficit which the local authority would be responsible for. Covering this overspend would require further cuts to services that all residents, including children and young people with SEND, rely on.

Conclusions

55. If the council is to continue to deliver on its statutory duty to children and young people with SEND then we must make changes to the way the SEND system in Wiltshire operates.
56. These changes would need to be made anyway to stop the growing deficit, improve outcomes for children and young people, and to reflect the changing strategic context in which the system finds itself. Despite the challenges in delivering this plan, and the increased financial impact of the forecast deficit, this still represents a good way to manage the risk.
57. Safety Valve offers an opportunity to undertake those changes, leveraging additional investment from the Department for Education that will allow such changes to be made more quickly than would otherwise be possible, and to significantly reduce our historic deficit.
58. Cabinet is asked to note the changes to the draft plan, and to note submission of the amended plan which took place on January 12th. This will now go to the Secretary of State for approval.
59. Further updates will come to future Cabinet meetings as officers pull together implementation plans and Children's Select Committee have requested this be a standing item on their future agendas.

Helean Hughes & Richard Hanks, Directors for Education and Skills

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8 January 2024

Appendices

Appendix 1 – DSG Management Plan summary tables

Background Papers

None

Unmitigated Position

Provision Type	Unmitigated Forecast					
	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
Plan Year	1	2	3	4	5	
Mainstream Provision	23,261	24,093	24,981	24,487	25,059	26,045
Resourced Provision (places)	4,249	5,059	5,408	5,408	5,408	5,408
Special Schools	27,633	29,799	26,071	26,989	27,922	28,918
Independent and Non-maintained Special School Provision	23,929	22,312	25,323	29,228	33,734	38,936
Post 16 Provision	10,881	11,491	12,494	13,180	13,902	14,651
Alternative Provision	10,198	9,831	9,796	10,022	10,240	10,449
Therapies	560	560	569	578	588	597
Other High Needs Block expenditure	786	786	826	867	910	956
Total Expenditure	101,498	103,932	105,468	110,759	117,763	125,960
High Needs Block	-70,798	-73,465	-75,669	-77,939	-80,277	-82,685
Block Transfer	-1,797	-2,000	-1,877	-1,933	-1,991	-2,051
In Year Surplus (-)/Deficit(+)	28,903	28,468	27,923	30,887	35,495	41,224
Surplus/Deficit from other DSG Blocks	-3,470	0				
Surplus/Deficit Brought Forward from Previous years	35,214	60,647	89,114	117,037	147,924	183,419
Total Deficit Balance	60,647	89,114	117,037	147,924	183,419	224,643

Mitigated Position

Provision Type	Mitigated Forecast					
	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
Plan Year	1	2	3	4	5	
Mainstream Provision	22,875	24,019	25,254	20,379	16,112	11,896
Resourced Provision	4,249	5,353	6,295	6,390	6,169	6,325
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In Year Surplus (-)/Deficit(+)	24,504	28,280	28,555	19,715	4,765	-293
Surplus/Deficit from other DSG Blocks	-3,470	0				
Surplus/Deficit Brought Forward from Previous years	35,214	56,247	84,527	113,081	132,796	137,561
Total Deficit Balance	56,247	84,527	113,081	132,796	137,561	137,267
% of DSG	11.9%	17.3%	22.3%	25.1%	24.9%	23.8%

Mitigations

Provision Type	Impact					
	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
Workstream 1 - Improving support pre-EHCP		-770	-757	-4,765	-9,130	-14,108
Workstream 2 - Preventing escalation	-4,399	1,561	5,242	-1,434	-14,943	-19,381
Workstream 3 - improve VFM	0	-979	-1,256	-1,539	-1,807	-2,177
Workstream 4 - Preparation for Adulthood		0	-536	-1,072	-1,859	-2,145
Workstream 5 - Systems and Processes		0	-184	-429	-1,001	-1,655
Schools Block Transfer	0	0	-1,877	-1,933	-1,991	-2,051
Total Saving due to Mitigation	-4,399	-188	632	-11,172	-30,731	-41,517

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Wiltshire Council

Cabinet

16 January 2024

Subject: Recommissioning for the Provision of Advocacy Services for Adults

Cabinet Members: Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills; and

Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion

Key Decision: Key

Executive Summary

The purpose of this report is to recommend that Cabinet approve the recommissioning of an Advocacy Service to deliver Statutory Advocacy for Adults.

The provision of an independent Advocacy Service by a Local Authority is a statutory obligation.

The Council's contracted spend for the current Whole Life Advocacy Service from 01/07/2020 to 30/06/2024 will be £1,794,994.00. In addition to this contracted spend there has been unbudgeted spend for advocates to meet referral need which either: (a) falls outside of the current contracted provision (i.e. referral for a Wiltshire funded child, young person or adult in an Acute Hospital or an out of county placement) or, (b) due to the urgency of a referral, there is no contracted advocate available to take the referral forward in the timescale identified; or (c) the referral relates to a court proceeding or a complex case and continuity of advocate is required.

The demand for advocates continues to increase. To ensure unbudgeted Spot spend is minimalised, additional budget would be required to acquire greater advocacy capacity to reduce the requirement for Spot purchasing.

To co-design a specification for a recommissioned Advocacy Service for Adults, engagement with young people and adults who have, or may require advocacy, has taken place; together with engagement with professionals who refer into an Advocacy Service. The feedback provided will inform the service design for a recommissioned service.

An essential element to be provided by an Advocacy Service is Peer Advocacy and the promotion of Self-Advocacy, which enables people to develop skills to potentially self-advocate in the future. A strong emphasis on both Peer Advocacy and Self-Advocacy will be designed into the Adults Advocacy Service.

Proposals

Cabinet is recommended to agree the following proposals:

- 1) To the procurement and award of an independent Advocacy Service for Adults, to focus on Statutory advocacy.
- 2) To the development of a Service Specification for a commissioned supplier to deliver a Statutory Advocacy Service for Adults, which is informed by the views of people who have accessed advocacy, or who may access advocacy in the future, and the people who support them, together with those professionals, stakeholders and funding partners, who refer people for advocacy services.
- 3) The decision to award an Adults Advocacy Service contract is delegated to the Director of Commissioning, by the Corporate Director for Resources & Deputy Chief Executive in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion,
- 4) The decision how to deliver the Advocacy Service for Children and Young People is delegated to the Corporate Director of People, in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills, to include either an in-house or commissioned service and the decision to award such a service.

Reason for Proposals

The purpose of this paper is to provide an update to Cabinet on the status of the Council's contracted Whole Life Advocacy Service which is delivered by an external Advocacy Supplier and which expires on 30/06/2024.

The current contract delivers a Whole Life Advocacy Service to children, young people and adults and delivers both Statutory and Generic Advocacy.

The provision of an independent Advocacy Service fulfils the Council's statutory obligations. Therefore, a recommissioned Advocacy Service should be in place from 01/07/2024.

The procuring of an independent Advocacy Supplier to deliver Statutory Advocacy for Adults under a procurement process will ensure that a contract is awarded to a Supplier who has been vetted to ensure they adhere to legal and quality standards together with financial parameters and ensures continuity of service for residents.

Terence Herbert
Chief Executive

Wiltshire Council

Cabinet

16 January 2024

Subject: Recommissioning for the Provision of Advocacy Services for Adults

Cabinet Members: Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills; and

Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion

Key Decision: Key

Purpose of Report

1. This report outlines the statutory obligation of a local authority to provide an independent Advocacy Service.
2. The outcome sought is for Cabinet to approve the recommissioning of a Statutory Advocacy Service for Adults.
3. The recommendation is that an independent Advocacy Service for Adults is recommissioned for a contracted term of 3 years with an option to extend for 1 year.

Relevance to the Council's Business Plan

4. Wiltshire's commissioning priorities for 2023/24 are:
 - to ensure services are in the right place at the right time
 - ensure right people receive services in the right place
 - individuals receive the right services at the right price
5. Wiltshire's Market Position Statement (MPS) for Whole Life Commissioning emphasises that people should receive the support they need at the earliest opportunity to live independently and safely within their local community.
6. An Advocacy Service for Adults contributes to the Council's Business Plan guiding themes of:
 - Prevention and early intervention
 - Improving social mobility and tackling inequalities
 - Understanding communities
 - Integration

It does this by:

- Providing an independent Advocacy Service to Adults
- Supporting the most vulnerable adults to ensure their voice is heard and acted upon

- Supporting front line staff to help keep vulnerable adults safe; and to provide advocates where required, as an example, to support with acute hospital discharges to enable a person to return home
- Providing employment and volunteering opportunities
- Providing support for, and promoting, Peer Advocacy together with Self-Advocacy

Main Considerations for the Council

7. The Council has a statutory duty to provide an independent Advocacy Service and the commissioned Advocacy Supplier will support some of Wiltshire's most vulnerable adults to ensure their voice is heard and that their wishes are acted upon in their best interest.
8. There has been an increase in demand for advocacy support since the duty to provide Independent Mental Advocacy transferred to Local Authorities on 01/04/2013 together with the introduction of the Care Act in 2014.
9. Since the Whole Life Advocacy Service commenced in 2019, there has been a rise in advocacy referrals across both children, young people, and adult services. Due to the increase in advocacy referrals for Deprivation of Liberty Safeguards (DoLS), and in preparation for the not yet implemented legislation Liberty Protection Safeguards, additional advocacy capacity was purchased for 2022 and 2023 to support this need.
10. In the council's CQC Self-Assessment Form, the Advocacy Service was reflected positively; it was noted there were gaps in service provision which would be addressed at a recommissioning. With a reduction in budget available, there will be a need to reduce the service currently in place. A reduced budget is the result of: loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people. This budget reduction will be managed by removing Generic Advocacy from the recommissioned service for adults and the service will support Statutory Advocacy only.

Co-Production

11. To ensure a recommissioned service is co-designed, the Whole Life Commissioner is working with a range of stakeholders including operational and finance colleagues to identify and address the current gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data and case studies that are captured to better reflect the 'impact' which an advocacy service has for people.
12. The council utilises the Service User Engagement contract, working with the Wiltshire Centre for Independent Living (WCIL), who engage with families and people who use services, working with those with lived experience to get their views and input. This is done through focus groups, speaking to individuals, completing surveys, facilitating forums, or holding information cafes, to ensure that individuals living in Wiltshire can have a voice to help to shape health and social care services.
13. The Wiltshire Centre for Independent Living (WCIL) has undertaken engagement with people, families, and carers; who have used an Advocacy Service or may in the future, to identify what a good advocacy service looks like and to understand any barriers to receiving advocacy.

14. Feedback from stakeholders who refer into an Advocacy Service has been obtained and their comments will be used to co-design a new Service Specification for Adults.
15. The decision does accord with budget requirements for a new Advocacy Service for Adults. The available budget for the new contract is £268,140.00 per annum. A reduction in budget from the current contract is the result of: loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people. There is not a sufficient budget to procure a service equivalent to the current contract in place, therefore the recommendation is that the new Advocacy Service will be for Statutory advocacy only and Generic Advocacy will be removed from future service provision.

Overview and Scrutiny Engagement

16. The governance process followed has been by way of Options Paper submitted to the council's Governance Board and reviewed at the Wiltshire Locality Commissioning Group and Cabinet Report.
17. This Cabinet Report is to request a Cabinet decision on the recommissioning of an Advocacy Service for Adults.

Safeguarding Implications

18. The commissioned Advocacy Supplier will be required to fully comply with all Legislation and Best Practice requirements around Safeguarding Adults as set out in the Service Specification and Contract for the term of the contract.
19. The role of an Advocate is to work with vulnerable people to ensure their voices are heard and that their wishes are upheld and to have a positive impact on a person's wellbeing.

Public Health Implications

20. An Advocacy Service is designed to be inclusive and is available to adults who have a Statutory requirement for advocacy, as outlined in the Service Specification and Contract.

Procurement Implications

21. The Advocacy Service for Adults will be procured using the open procedure (advertised openly, via Supplying the South West procurement portal, to all bidders, so that they can participate in the tender opportunity), and this will be the direct route to market.
22. Careful analysis of the route to market and supplier base will be undertaken via the Sourcing Plan, to ensure that the best procurement methodology will be undertaken.
23. Preliminary market engagement will be undertaken to advise the market of the opportunity and we will look to attract any new entrants who may be interested in this opportunity, via this mechanism.

24. Commissioning will be directly working with Procurement to deliver the Advocacy Service to Adults. The chosen Supplier will be selected after completion of a fully compliant tender process which complies with the Council's own Constitution as well as the Public Contract Regulations 2015, as this will be an above threshold services tender.

Equalities Impact of the Proposal

25. An Equalities Impact Assessment has been undertaken.

26. An Advocacy Service, from a commissioned supplier will have a positive impact on adults who have a Statutory Advocacy need.

27. To ensure a recommissioned Adults Advocacy Service is co-designed, we are working with a range of stakeholders including operational and finance colleagues to identify priority gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data reporting and case studies that is captured to better reflect the 'impact' which an advocacy service has for people.

28. Access to the Adults Advocacy Service by protected groups will be reported on during the contract term.

29. The performance of the Advocacy Service for Adults will be monitored through quality systems and performance management, monitoring and reporting. The Advocacy Supplier for Adults will report on Key Performance Indicators and the council's commissioners will be responsible for monitoring and reviewing reports and ensuring any improvement actions are completed.

Environmental and Climate Change Considerations

30. This proposal aligns with the Council's draft Climate Strategy, and particularly its commitment to carbon neutrality by 2030.

31. Energy consumption associated with the recommissioned Advocacy Service will remain roughly at current levels due to the scope of the current service versus the recommended new services. The current Advocacy Service advocates are based at various locations within county or on the borders of Wiltshire, and location of advocate to customer is a consideration when allocating an advocate.

32. An Advocacy Service will offer both face to face and an on-line platform, where appropriate, thereby reducing the requirements for travel.

33. For those Wiltshire funded customers who are living out of county, in those counties identified within the Service Specification, the tender process will cover questions to address how best to support these people and the Service Specification will include details around travel and mileage, any costs associated with travel being the responsibility of the Supplier to fund.

Workforce Implications

34. These proposals relate to the recommissioning of an Adults Advocacy Service commissioned by an external Supplier.
35. TUPE arrangements will apply from an Outgoing Supplier to the Incoming Supplier who is awarded the recommissioned Adults Advocacy Service contract.

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

36. The key risk if the proposed decision is not taken. It is a statutory requirement for the Council to have an independent Advocacy Service in place.

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

37. The key risk is the identified resource and capacity required to meet need, the impact of increased demand results in additional finances required to support the need.
38. This can be mitigated to a degree by identifying an Advocacy Supplier who can maximise their resources by recruiting and training volunteer advocates to support with appropriate referrals thereby ensuring the paid Advocates are working with the most vulnerable people who require Statutory Advocacy.

Financial Implications

39. The available budget for the new Adults Advocacy Service contract is £268,140.00 per annum. This is not a sufficient budget to procure an Advocacy service equivalent to the current service in place, therefore the recommendation is that the new Adults Advocacy Service will be for Statutory Advocacy only and Generic Advocacy will be removed from future service provision. A reduction in budget is the result of loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.

Legal Implications

40. Legal Services will prepare a Contract to support a recommissioned Adults Advocacy Service.
41. An Adults Advocacy Service is designed to fully meet the statutory responsibilities for a Local Authority to provide an advocacy service and this Service will ensure that Wiltshire Council meets its statutory duty to those adults who require access to an advocate.

Options Considered

42. The following Options have been considered:

- 1) To recommission a Whole Life Advocacy Service for Statutory Advocacy, to include those identified service gaps for Statutory provision for those Wiltshire funded out of county CYP and Adults and to include those identified counties neighbouring Wiltshire, as a single contract.**

Risks:

- There is insufficient budget allocated to meet this need. A reduced budget is the result of: (1) loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum; (2) A children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.
- There is still a considerable risk that spot spend will be required over and above a contracted service, especially for those people placed out of county, although the recommendation is to include neighbouring counties within the new service, there are people placed much further afield which will not be covered within the contract. The identified gaps are ones identified over the course of a 3 year contract, so Spot spend should be reduced.
- Non-statutory advocacy for Community Mental Health would not be included within a contract. There are community services available to support people with mental health.

Benefits:

- To meet the local authority's statutory duty to deliver an independent advocacy service.
- It is in line with the 2019 Delegated Cabinet decision made to move towards a Whole Life Advocacy Service.
- To deliver an Advocacy Service which meets the needs of the people.
- To support those Wiltshire Council funded CYP and Adults who are in an OOC placement.
- To reduce the spot spend on advocacy provision

2) To recommission a Whole Life Advocacy Service with the option of two Lots to deliver an advocacy service with identified service gaps for Statutory provision for out of county (OOC) CYP and Adult, in counties neighbouring Wiltshire. Lot 1 (advocacy supplier for children and young people); and Lot 2 (advocacy supplier for adults)

Risks:

- This option goes against the council's decision made in 2019 to move to a Whole Life advocacy service with one supplier.
- However, it is noted that services need to adapt and change to meet the needs of those people using services, and a change of decision making may be required.
- There is insufficient budget allocated to meet this need. A reduced budget is the result of: (1) loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum; (2) A children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.
- A referral process for people who are placed out of county would need to be robustly managed.
- There is a risk that two separate suppliers could be awarded. Therefore, reducing the joint advocacy capacity ability to manage waiting lists. Identified advocates would work with both children and adults, if within the same supplier, this is possible. If two suppliers, this is not possible.
- Advocacy capacity on a Whole Life Contract can be shared across CYP and Adults to better manage waiting lists – this would be reduced with separate contracts.
- There is a risk to children and young people who then 'fall of the cliff edge' between a children's and adults' supplier.

- If the contracts were split out - there is a significant risk that insufficient budgets are allocated to meet need on either contract or no flexibility between the two.
- There would still be a risk that spot spend is required over and above a contracted service.

Benefits:

- Assists with supplier marketplace shaping and potential for awarding to smaller suppliers, rather than one supplier.
- Ensures that suppliers understand need to demonstrate strong focus on requirements of children and young peoples' service.

3) To commission separate advocacy services for children, young people and adults. This will include: (1) a contracted supplier to deliver Statutory Advocacy for Adults to include those identified service gaps for Statutory provision for OOC Adults, in those identified counties neighbouring Wiltshire; (2) an In-house advocacy service to support CYP. [Adults service will be for 18+ years; CYP in-house service for 5-17 years and to include the 18-25 SEND cohort].

Risks:

- This option goes against the council's decision made in 2019 to move to a Whole Life Service.
- However, it is noted that services need to adapt and change to meet the needs of those people using services, and a change of decision making may be required.
- The in-house service for CYP and the contracted service for adults will be required to work closely to minimalised any impact on those CYP 'transitioning' to adult services.

Benefits for Adults:

- The advocacy service will be focused on adult's advocacy only, the budget allocated will be 100% focused on adults who require Statutory advocacy.

Benefits for Children and young people:

- Improved customisation: An in-house advocacy team will be better positioned to align its efforts with the specific needs and goals of the Voice & Participation Service, ensuring a more tailored approach to advocacy services.
- Cost-Effectiveness: Transitioning to an in-house model will lead to sustainable costs over time, given the approach is based on a volunteer model and using the wider services within the Voice & Participation Services. It will allow us to minimize external service fees, administrative expenses, and reliance on a third-party supplier.
- Improve Quality Outcomes: Wiltshire Council will be able to implement more rigorous quality control measures to ensure consistent and high-quality impactful advocacy services. The current contract is not meeting our needs adequately or having the desired impact.
- Responsiveness: It is envisaged that an in-house team can adapt promptly to changing needs and priorities, resulting in more efficient and effective advocacy.

43. The following options have been rejected:

- **To do nothing.** Do not re-commission a new Advocacy Service when the current contract expires has been rejected because it is a local authority's statutory obligation to have an independent advocacy service.
- **To re-commission a Whole Life Advocacy Service, with the same provision as currently.** This has been rejected because there are identified gaps within the current contract which results in additional spot spend.
- **To re-commission a Whole Life Advocacy Service for Statutory and Non-Statutory advocacy with provision for the identified service gaps.** This has been rejected because there is insufficient budget available to provide this service.

44. The following option is recommended:

45. Our recommendation is **Option 3** which meets the local authority's statutory duty to deliver an independent advocacy service which meets the needs of the people and supports those most vulnerable children, young people and adults.

46. Given budgetary pressures, the recommendation is a re-commissioned Advocacy Service for Adults should support Statutory Advocacy only and Generic Advocacy is removed, which is in line with other local authorities.

47. The recommendation is that an Advocacy contract for adults is commissioned for 3 years with the option to extend for one year.

48. To ensure a re-commissioned service for adults is co-designed, we are working with a range of stakeholders including operations and finance to identify and address the current gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data and case studies that are captured to better reflect the 'impact' which an advocacy service has for people.

49. The Wiltshire Centre for Independent Living (WCIL) have undertaken engagement with people, families, and carers; who have used an advocacy service to identify what a good advocacy service looks like and to understand any barriers to receiving advocacy. The feedback received will be used to co-design a new Service Specification for Adults Advocacy.

Conclusions

50. All the above information has been taken into account in establishing this report's proposals.

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Appendices

None

Background Papers

None