



Contact: Kate Spencer  
Telephone: 01803 207014  
E-mail address: [scrutiny@torbay.gov.uk](mailto:scrutiny@torbay.gov.uk)  
Date: Monday, 22 January 2018

Overview and Scrutiny  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 24 JANUARY 2018**

I am now able to enclose, for consideration at the Overview and Scrutiny Board to be held on Wednesday, 24 January 2018, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
6.	<b>Budget Monitoring 2017/2018 - Quarter 3</b>	(Pages 2 - 22)
8.	<b>Strategic Agreement between Torbay and South Devon NHS Foundation Trust and Torbay Council/South Devon and Torbay Clinical Commissioning Group</b>	(Pages 23 - 60)

Yours sincerely

Kate Spencer  
Overview and Scrutiny Lead



**Meeting:** Overview and Scrutiny Board

**Date:** 24<sup>th</sup> January 2018

**Wards Affected:** All Wards

**Report Title:** Budget Monitoring 2017/18 – Quarter Three

**Is the decision a key decision?** No

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

**Executive Lead Contact Details:** Mayor Oliver, [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk)

**Supporting Officer Contact Details:** Martin Phillips, Head of Finance,  
[Martin.phillips@torbay.gov.uk](mailto:Martin.phillips@torbay.gov.uk), 01803 207285

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## 1. Purpose and Introduction

- 1.1. This report provides a high level budget summary of the Council's revenue and capital income and expenditure for the financial year 2017/18.
- 1.2 As at the end of quarter three 2017/18 the Council's **Revenue** budget is predicting an over spend of £2.5m primarily as a result of expenditure pressures in children's social care. This level of overspend is a cause for concern and has been reflected in the Mayor's budget proposals for 2018/19 which were published in October 2017 and has been considered for the Mayor's final Budget Proposals to Council in February 2018. In the absence of any compensating savings in other services the Council will need to identify options to fund the over spend. The 2018/19 Review of Reserves report addresses this issue.
- 1.3 The **Capital** Plan budget totals £329million for the 4 year programme, with £135 million currently scheduled to be spent in 2017/18, including £99m on Investment Fund acquisitions. The Capital Plan requires £0.9 million from (new) capital receipts and capital contributions over the life of the Plan
- 1.4 Appendix three is an expanded narrative of the **capital schemes** expected to incur expenditure in 2017/18 with a specific update for each project. This aims to provide members with greater oversight of the progress on capital projects rather than a focus exclusively on financial issues.

## 2. Recommendation (s) / Proposed Decision

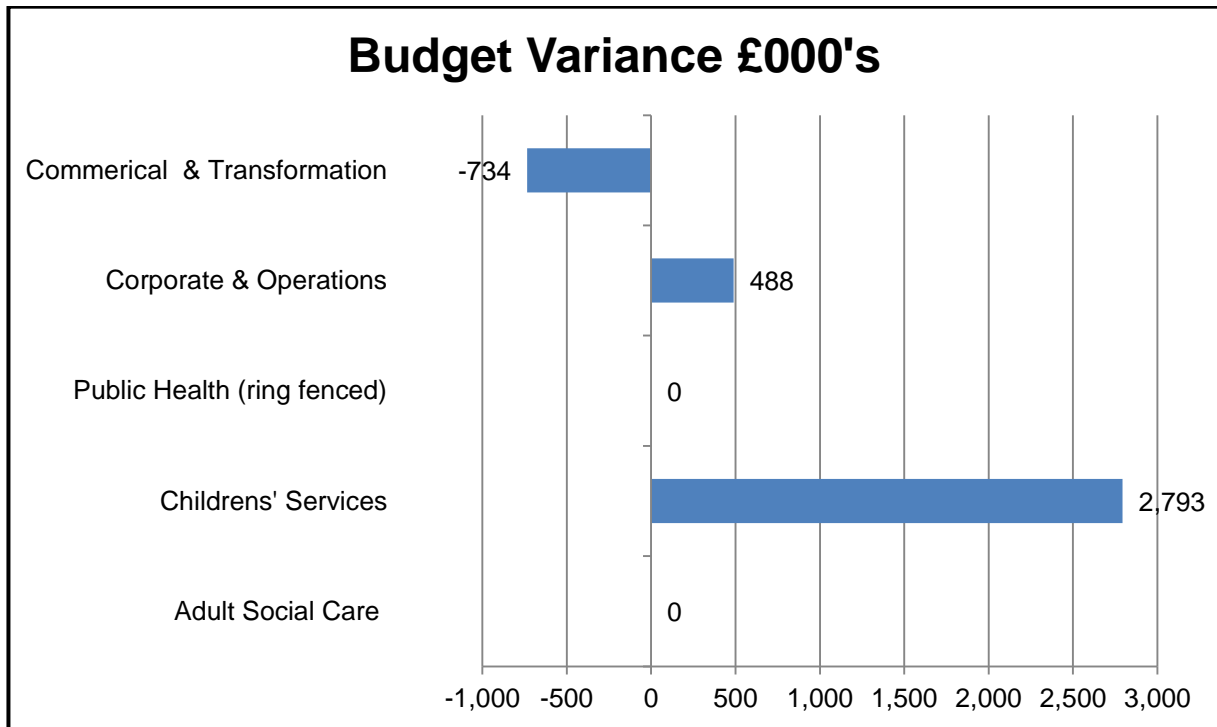
- 2.1 That the Board considers the current position and make any comments and/or recommendations to the Council.

### 3. Reason for Recommendation/ Proposed Decision

3.1 Report for review and information.

### 4. 2017/18 Revenue Budget Summary Position

4.1 As at Quarter 3 the Council's revenue budget is predicting an over spend of £2.5m, primarily as a result of issues in Children's Services, offset in part by under spends or additional income on other services. A bar chart summarising the projected budget variance by service for 2017/18 is as follows:



The budgets are presented in line with the new Council management structure that was applicable from November 2017. There is likely to be further “housekeeping” revisions to the structure as it develops.

#### Children's Services

4.2 The Children's Services' Medium Term Financial Strategy (MTFS) focuses on bringing the two main areas of expenditure – placements and staffing, in line with comparators over time. Our spending on placements is projected to be above last year's outturn. Overall our Children Looked After population is broadly static which is in contrast to the national position which is showing year on year growth. Although placement numbers remain broadly constant over the past year the average cost per new placement is often higher, from both complexity of placement and higher cost per placement due to scarcity in the national supply of placements. The staffing outturn for the current year is still projected to be broadly in line with last year's outturn and has been affected by investment to stabilise the Social Care workforce and ensure that children were not subject to repeated change in their allocated Social Worker.

- 4.3 As previously reported the schools' higher needs block in the Dedicated Schools Grant has been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children resulting in an over spend in 2017/18 of £1.2m. The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded in future years and is not a cost the Council will fund. The Council will continue to work directly with schools to jointly work on a solution to this issue.

#### Investment Property

- 4.4 In the third quarter 2017/18 the Council purchased another investment property for £31m at a yield of 5.5%.

#### 4.5 Detailed Position

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

Service	2017/18 Budget			Forecast Full Year Variance
	Expenditure £000s	Income £000's	Net £000's	
Adult Social Care	49,539	(10,479)	39,060	0
Children's Services	77,467	(48,741)	28,726	2,793
Public Health	11,115	(1,479)	9,636	0
<b>Joint Commissioning</b>	<b>138,121</b>	<b>(60,699)</b>	<b>77,422</b>	<b>2,793</b>
Business Services	23,450	(17,964)	5,486	168
Community Services	10,736	(1,433)	9,303	110
Corporate Services	5,769	(1,548)	4,221	290
Customer Services	73,716	(70,225)	3,491	150
Investment Properties	3,517	(4,281)	(764)	(230)
<b>Corporate Services and Operations</b>	<b>117,188</b>	<b>(95,451)</b>	<b>21,737</b>	<b>488</b>
Business Development	11,073	(2,414)	8,659	(90)
Financial Services	18,934	(16,971)	1,963	(644)

Transformation	727	(421)	306	0
<b>Commercial Services and Transformation</b>	<b>30,734</b>	<b>(19,806)</b>	<b>10,928</b>	<b>(734)</b>
<b>Gross Revenue Budget</b>	<b>286,043</b>	<b>(175,956)</b>	<b>110,087</b>	<b>2,547</b>
Sources of Funding	-	(110,087)	(110,087)	(11)
<b>Net Revenue Budget</b>	<b>286,043</b>	<b>(286,043)</b>	<b>0</b>	<b>2,536</b>

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

Service	Variance to Budget £m	Main Variances in 2017/18
Adult Social Care	0	Fixed payment agreed with ICO for 2017/18
Children's Services	2.8	As paragraph 4.2 above
Public Health	0	Ring fenced budget
Commercial Services and Transformation	(0.8)	Expected savings in pension payments (both discretionary and deficit related) based on expenditure profile to date, the release of a number of contingency budgets and lower than expected waste tonnages.
Corporate and Operations	0.5	Projected over spend on coroner, legal services, elections and spatial planning, offset by additional confirmed investment properties to date. Income shortfall in printing offset in part by salary savings in exchequer and benefits.  Income budgets not being achieved. Projected over spends on events, CCTV, and Torre Abbey. Offset by salary, housing options and temporary accommodation savings. Also included are savings from the new contract with Parkwood Leisure for Torbay Leisure Centre and the Velopark.
Sources of Funding	0	
<b>Total</b>	<b>2.5</b>	Projected over spend

#### 4.6 Risks & Sensitivity

4.7 The predictions for the full year outturn in this report are based on nine months of financial information and will be subject to changes in both assumptions and demand.

4.8 Historically the Council's overall position improves in the last quarter of the year as actual expenditure and income for the year is finalised and impact of some future year savings are realised in year.

4.9 There are a number of financial risks facing the Council. Key risks are shown below:

<b>Risk</b>	<b>Impact</b>	<b>Mitigation</b>
Achievement of approved savings for 2017/18	Medium	17/18 Budget monitoring and "saving tracker" monitored by senior staff.
Potential impact and costs of judicial review for care home fees	Low	Judgement in Council's favour – October 2017
Risk that current ASC/ICO proposals are not formally agreed.	Low	The 3 bodies of CCG, ICO and Council have signed a revised risk share which caps council risk
Achievement of Childrens' Services cost reduction plan	High	Regular monitoring of performance and recovery plan.
Identification, and achievement, of £17.4m of savings for 2018/19 to 2020/21 per Medium Term Resource Plan April 2017	High	Transformation Team set up to coordinate the implementation of potential transformation savings.  Mayors 2018/19 budget proposals released in October 2017
Additional demand for services particularly in childrens' social care	High	17/18 Budget monitoring, use of service performance data and recovery plan.
Investment Property Income changes	Low	Regular review of income and tenant negotiation

## **5. 2018/19 Budget Process**

5.1 The Mayor presented his budget proposals for 2018/19 as planned on the 23<sup>rd</sup> October 2017 for consultation. The 2018/19 budget will be presented to Council for approval in February 2018.

5.2 The Mayor's 2018/19 budget proposals are available on the Council's website:

**<http://www.torbay.gov.uk/council/finance/budget/budget-201819/>**

## **6. Balance Sheet issues**

### Borrowing

6.1 Since end of September 2017 the Council has borrowed a further £50m, primarily to fund investment property acquisitions. Total borrowing as at 31<sup>st</sup> December 2017 was £273m.

## Council Subsidiary Companies

- 6.2 The Council has interests in a number of companies. The financial performance for 2016/17 of these companies is included in the Council's statement of accounts (link below).

<http://www.torbay.gov.uk/council/finance/statement-of-accounts/>

- 6.3 The Council has now set up Torbay Housing Company Ltd for the aim of buying domestic dwellings for rent in line with the Council's housing strategy.
- 6.4 The Torbay Development Agency has also set up two new trading companies for their commercial activities. These are currently not trading.
- 6.5 All of these companies form part of the Council's group boundary, therefore Members should be aware of the assets and liabilities of these companies.

### Debtor – Write offs

- 6.6 The total value of debtor write offs in the third quarter of 2017/18 was:

<b>Service</b>	<b>Number of records written off</b>	<b>Value of write offs £000's</b>	<b>Number over £5,000</b>
Council Tax	697	257	0
NNDR	30	126	6
Housing Benefit	162	51	0

- 6.7 Any write offs in the quarter over £5,000 are reported to Members in exempt Appendix One.

## **7. Capital Plan Summary Position**

- 7.1 The Capital Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached at Appendix 1. The Plan now totals £328 million over the 4 year period of which £135 million relates to 2017/18 and £138 million relates to 2018/19.
- 7.2 The movements in the estimate of expenditure in 2017/18 on the Capital Plan between the last monitoring report at September 2017 of £104.0 m and the current budget for 2017/18 of £134.8 m are shown below.

<b>Scheme</b>	<b>Changes £m</b>	<b>New Schemes £m</b>	<b>Reason</b>
<b>Budget changes since last report (Q2 2017/18 - £104.0m)</b>			Capital Plan Update – 2017/18 Quarter 2 (Report 7 Dec 2017)
<b>Protecting Children:</b>			
Early Years – Ellacombe Nursery	(0.2)	0	Delayed start so part budget moved to 2018/19
New Paignton Primary School	(0.5)	0	Site acquisition delayed by funder's requirements.
Relocate Torbay School	(0.6)	0	Delay in decision on relocation options.
<b>More Prosperous Torbay</b>			
Investment Fund	31.5	0	Further site approved and purchased
Oxen Cove Landing Jetty	(1.9)	2.0	New landing facility Rephased to reflect likely spend
Oxen Cove Shellfish Facility- design work	(0.3)	0.4	Preparatory design work pending grant application. Reprofiled budget to 18/19
Town Centre Regeneration Programme	(24.0)	25.0	Council Oct 17 approval. Rephased budget to future years.
Transport Integrated Transport Schemes	1.4 (1.8) (0.3)	0	Budget from future years Part budget used to fund Western Corridor work. Rephased to 2018/19
Transport – Western Corridor	(0.7)	0	Latest estimate of work
<b>Attractive and Safe place</b>			
Public Toilets Modernisation Programme	(0.9)	1.0	Agreed by Council as part of new contract proposal Costs likely to spread over 3 years
<b>Corporate Support</b>			
Corporate IT Developments	0.2	0	Part budget brought forward from future years
Office Rationalisation – Electric House	(0.2)	0.7	Refurbishment works Part budget transferred to next year
<b>Estimate – Quarter Three 2017/18, total £134.8m</b>	<b>1.7</b>	<b>29.1</b>	



## **8 Updates to Capital Plan:**

### **8.1 Protecting Children**

8.2 There are a number of projects in Childrens' services where some expenditure has been re profiled to move funding between years to reflect latest expenditure projections:

- Early years – Ellacombe - £0.25m budget has been moved to 2018/19 as a result of a delayed start on site
- New Paignton Primary school - £0.48m budget rephased to next year as site acquisition is delayed by funder's requirements.
- Relocate Torbay School - £0.6m budget moved to 2018/19 awaiting decisions on relocation options.

### **8.3 More Prosperous Torbay**

8.4 Claylands redevelopment – approval to utilise a further £0.4m prudential borrowing (to a total of £7.9m) on this project was agreed at Council in October and the budget has been revised in the Capital Plan to reflect this change.

8.5 Investment Fund – the 2017/18 budget has been increased by a further £31.5m to reflect the acquisition of a site approved by Investment Committee, to be funded by prudential borrowing. The balance of the approved £200m budget is now held in 2018/19 for further purchases.

8.6 Oxen Cove Landing Jetty – Council approved this scheme to provide additional landing facilities primarily for local shellfish at Oxen Cove. The estimated project cost is £1.9m funded from external grant and prudential borrowing. Whilst some budget has been left in the current financial year it is anticipated that most expenditure will be incurred next year.

8.7 Oxen Cove Shellfish Facility – approval was given by Council on 7 December 2017 to commission preparatory design work for this scheme at a cost of £0.4m. This should enhance a funding bid to provide resources along with some prudential borrowing for additional shellfish processing facilities, subject to a further report to Council.

8.8 Town Centre Regeneration Programme – as agreed by Council 19 October 2017 a total £25m prudential borrowing budget has been added to the Capital Plan spread over current and future years. Individual projects within this overall programme to be agreed by specified officers and members before draw down of prudential borrowing is approved.

8.9 Transport - Integrated Transport Programme. In accordance with previous Council decisions regarding the use of the Integrated Transport Block budget, £1.8m of the funding has been transferred to support the ongoing improvements along the Western

Corridor. In addition £0.3m of the budget has been moved to next year reflecting likely expenditure levels of individual schemes, primarily Fleet Walk improvements.

8.10 Transport – Western Corridor. – This scheme is mainly funded from Local Enterprise Partnership (LEP) grant and in view of the increased costs of these road improvements a further £1.8m has been added to the budget to support this project. These resources are transferred from the Integrated Transport block. The LEP have also agreed to transfer £0.95m of its grant funding from the Torquay Gateway project to the Western Corridor scheme, and the budgets have been revised in the Council's Capital Plan accordingly. There has also been some adjustment of the budgets between years following a review of likely expenditure patterns, for both the Western Corridor and Torquay Gateway projects.

### **8.11 Attractive and Safe Place**

8.12 Public Toilets Modernisation Programme – as part of the agreement with the new service provider, a programme of works to update the public toilets in the Bay will be undertaken over the next two or three years. The improvements are estimated to cost a total of £1.032m and will be funded by prudential borrowing, as agreed at Council on 7 December 2017.

8.13 Torquay Town Dock pontoon replacements – The agreed scheme is now expected to cost slightly more than initially estimated and an additional £0.04m will be funded from the Harbours Reserve.

### **8.14 Supporting Vulnerable Adults**

8.15 Adult Social Care – an increased Government Disabled Facilities Grants allocation of £0.122m has been awarded

### **8.16 Corporate Support**

8.17 Corporate IT Developments – The 4 year budget has been reprofiled to support the urgent need to replace outdated ICT Infrastructure equipment; upgrade Microsoft Software; and also to support some additional costs associated with the ORP office move project and Agile/flexible working. A further estimate of £1m will be required to fund potential further improvements to ICT infrastructure items for 2019/20, 2020/21.

## **9 Receipts & Funding**

9.1 The funding identified for the latest Capital Plan budget is shown in Appendix 2. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years.

## **10. Grants**

10.1 Since the last Capital update (Quarter 2 2017/18) reported to Council in December 2017, the Council has been notified of the following capital grant allocation:

- Dept. for Communities and Local Government – Disabled Facilities Grants additional 2017/18 allocation £0.122m.

The DCLG (now MHCLG) recently announced this additional allocation but there are strict requirements attached to this grant including that it is used by 31 March 2018. It can be used on DFGs or other social care capital projects.

## **11. Capital Receipts**

- 11.1 The approved Plan relies on the use of £3.4m capital receipts. The Council already holds a capital receipts reserve of £2.1 m at 31 March 2017 and a further £0.4m was received by the end of December 2017, leaving a target of £0.9m still to be achieved.

## **12. Capital Contributions – S106 & Community Infrastructure Levy**

- 12.1 Income from Section106 capital contributions so far in 2017/18 amount to £0.3 million.

### **Appendices:**

Appendix 1 – Exempt report – Debtor “Write Offs” over £5,000 – Quarter Three 2017/18

Appendix 2 - Capital Plan expenditure and funding summary – Quarter Three 2017/18

Appendix 3 - Capital Plan 2017/18 – Performance Summary

Document is Restricted








**CAPITAL PLAN - QUARTER 3 2017/18 - EXPENDITURE**

							Revised 4-year Plan Dec 2017				
	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr3	Previous 2017/18 (@ Q2 17/18)	2017/18 Q3 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
<b>AB</b> = Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Protecting children and giving them the best start in life</b>											
Brookfield House Site	550	465	23	64			64				64
Capital Repairs & Maintenance 2014/15 (incl. Furzeham)	752	668		9			9				9
Capital Repairs & Maintenance 2015/16	205	21	1	0			0				0
Capital Repairs & Maintenance 2016/17 & 2017/18	866		364	704			704				704
Cockington Primary expansion	3,149	3,074		7			7				7
Devolved Formula Capital			127	223			223				223
Early Years - Ellacombe Academy Nursery	746		662	682	(250)		432	250			682
Early Years - White Rock Primary Nursery	420		340	378	22		400				400
Education Review Projects			28	106	(24)		82	200	559		841
Ellacombe Primary expansion	558	469	11	12			12				12
New Paignton Primary school	509	2		502	(480)		22	480			502
Paignton Academy Places - mobiles	483	1	2	0	2		2				2
Secondary School places	2,357	185	1,571	687			687	1,225			1,912
Special Provision Fund	500						0	166	167	167	500
Torbay School Relocation	2,800	35	12	630	(600)		30	2,600			2,630
Whiterock Primary expansion	3,930	3,574	42	43			43				43
Youth Modular Projects	409	372		37			37				37
	<b>27,100</b>	<b>8,866</b>	<b>3,183</b>	<b>4,084</b>	<b>(1,330)</b>	<b>0</b>	<b>2,754</b>	<b>4,921</b>	<b>726</b>	<b>167</b>	<b>8,568</b>
<b>Working towards a more prosperous Torbay</b>											
<b>AB</b> Claylands Redevelopment	10,400	0	173	478	0		478	5,500	4,400		10,378
DfT Better Bus Areas	462	263	2	87			87				87
DfT Local Sustainable Transport Fund (Ferry/Cycle)	1,643	1,639	4	4			4				4
<b>AB</b> Edginswell Business Park	6,620		49	3,000			3,000	3,620			6,620
<b>AB</b> Employment Space	6,644	0	6,607	5,644			5,644	1,000			6,644
<b>AB</b> Investment Fund	200,000	21,054	97,078	67,945	31,545		99,490	79,456	0		178,946

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	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Approved Prudential Borrowing schemes</b>											
NGP - Torbay Innovation Centre Ph 3 (EPIC)	7,740	696	526	2,125			2,125	4,862	677		7,664
Old Toll House, Torquay	150	4	5	146			146				146
Oxen Cove Landing Jetty	1,967		253		(1,900)	1,967	67	1,900			1,967
Oxen Cove Shellfish processing facility -design work	400				(300)	400	100	300			400
South Devon College - Loan	4,000		4,000	4,000			4,000				4,000
South Devon Highway - Council contribution	20,224	12,670	49	1,361			1,361	1,000	407		2,768
Street Lighting - Energy reduction Ph2	1,132	1,131	2				0				0
TEDC Capital Loans/Grant	2,690	1,327		725			725				725
Town Centre Regeneration Programme	25,000				(24,000)	25,000	1,000	5,000	10,000	9,000	25,000
Transport - Edginswell Station	520	511	9	10			10	0	0		10
Transport Integrated Transport Schemes			217	1,621	(746)		875	917	613	613	3,018
Transport Structural Maintenance			639	1,673	(50)		1,623	1,224	1,174	1,174	5,195
Transport - Torquay Gateway Road Improvements	2,925	604	307	82	68		150	1,732	50		1,932
Transport - Torquay Town Centre Access	625	208	55	327			327				327
Transport - Tweenaway Junction	4,871	4,871	26				0				0
Transport - Western Corridor	10,603	1,571	5,759	3,945	(696)		3,249	3,494			6,743
Upton Place, Lymington Road (Student Accom - Town Hall Car Park)	14,200			200			200	10,000	4,000		14,200
	322,816	46,549	115,760	93,373	3,921	27,367	124,661	120,005	21,321	10,787	276,774
<b>Ensuring Torbay remains an attractive and safe place to live and visit</b>											
Babbacombe Beach Road	70	0		70			70				70
Beacon Quay Toilets refurbishment	117	106	40	11			11				11
CCTV equipment	385	0		385			385				385
Clennon Valley Sport Improvements	70	1	1	69			69				69
Flood Defence schemes (with Env Agency)	686	630	16	56			56				56
Freshwater Cliffs Stabilisation	375	359	11	16			16				16
Haldon Pier - Structural repair Phase I&2	3,064	3,045	20	18			18				18
Harbour Workboat	45	34	11	11			11				11
Hollicombe Cliffs Rock Armour	1,544	689	623	855			855				855

**CAPITAL PLAN - QUARTER 3 2017/18 - EXPENDITURE**







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	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>= Approved Prudential Borrowing schemes</b>											
 Paignton Harbour Lights Redevelopment	600	0		0			0	600			600
 Parkwood Loan re Torbay Leisure Centre	1,701	0		701			701	1,000			1,701
Princess Gardens Fountain	122		155	122			122				122
Princess Pier - Structural repair (with Env Agency)	1,744	0	133	544			544	1,200			1,744
 Public Toilets Modernisation Programme	1,032				(932)	1,032	100	532	400		1,032
Torbay Leisure Centre - structural repairs	545	541		3			3				3
Torre Abbey Renovation - Phase 2	5,010	4,992		18			18				18
Torre Valley North Enhancements	127	22	20	105			105				105
Torquay Harbour -Town Dock Pontoons replacements	260		15	220	40		260				260
	<b>17,497</b>	<b>10,419</b>	<b>1,045</b>	<b>3,204</b>	<b>(892)</b>	<b>1,032</b>	<b>3,344</b>	<b>3,332</b>	<b>400</b>	<b>0</b>	<b>7,076</b>
<b>Protecting and supporting vulnerable adults</b>											
Adult Social Care	1,553	922		631			631				631
Affordable Housing	2,624			0			0	1,430	1,194		2,624
 Housing Rental Company - Loan	25,000						0	5,000	10,000	10,000	25,000
Sanctuary HA - Hayes Road Pgn	500	250		250			250				250
Disabled Facilities Grants			572	1,216	50		1,266				1,266
Empty Homes Scheme	500	43		0			0	457			457
Private Sector Renewal				0			0	113			113
	<b>30,177</b>	<b>1,215</b>	<b>572</b>	<b>2,097</b>	<b>50</b>	<b>0</b>	<b>2,147</b>	<b>7,000</b>	<b>11,194</b>	<b>10,000</b>	<b>30,341</b>
<b>Corporate Support</b>											
 Corporate IT Developments	1,000	1	352	499	201		700	299	0		999
 Council Fleet Vehicles	463	322		141			141				141
 Essential Capital repair works	2,625	0		225			225	1,400	1,000		2,625
Enhancement of Development sites	299	96	9	53			53	150			203
Flexible Use of Capital Receipts	600	0		300			300	300			600
Office Rationalisation Project - Electric House refurb	700	0			(200)	700	500	200			700

**CAPITAL PLAN - QUARTER 3 2017/18 - EXPENDITURE**

							Revised 4-year Plan Dec 2017					
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr3	Previous 2017/18 (@ Q2 17/18)	2017/18 Q3 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>APB = Approved Prudential Borrowing schemes</b>												
	Payroll Project	370	348	6	22			22				22
	General Capital Contingency	631	0		0			0	631			631
		6,688	767	367	1,240	1	700	1,941	2,980	1,000	0	5,921
<b>TOTALS</b>			<b>67,816</b>	<b>120,927</b>	<b>103,998</b>	<b>1,750</b>	<b>29,099</b>	<b>134,847</b>	<b>138,238</b>	<b>34,641</b>	<b>20,954</b>	<b>328,680</b>
<b>CAPITAL PLAN - QUARTER 3 2017/18 - FUNDING</b>												
	Unsupported Borrowing				85,093	5,353	27,499	117,945	115,335	30,147	18,977	282,404
	Grants				16,091	(3,188)	500	13,403	18,760	3,240	1,954	37,357
	Contributions				631			631	198	460		1,289
	Reserves				799	(380)	1,100	1,519	2,028	(180)	(180)	3,187
	Revenue				499	(85)		414	97	240	203	954
	Capital Receipts				885	50		935	1,820	734		3,489
	<b>Total</b>				<b>103,998</b>	<b>1,750</b>	<b>29,099</b>	<b>134,847</b>	<b>138,238</b>	<b>34,641</b>	<b>20,954</b>	<b>328,680</b>



**CAPITAL PLAN - QUARTER 3 2017/18 - PROJECT UPDATE**

<b>Capital Plan Projects</b>		<b>Project status report</b>
 = <i>Approved Prudential Borrowing schemes</i>		17/18 budget so comment required
<b><i>Protecting children and giving them the best start in life</i></b>		
	Brookfield House Site	Site purchased and secured. Development on hold subject to decision on Relocation of Torbay School.
	Capital Repairs & Maintenance 2014/15 (incl. Furzeham)	Projects complete.
	Capital Repairs & Maintenance 2015/16	Projects complete.
	Capital Repairs & Maintenance 2016/17 & 2017/18	On-going Repairs & Maintenance projects considered and approved on a priority basis.
	Cockington Primary expansion	Project complete. Minor defects being addressed.
	Devolved Formula Capital	Delegated capital funds managed by LA for maintained schools only.
	Early Years - Ellacombe Academy Nursery	Project on site and progressing well. Completion expected May 2018.
	Early Years - White Rock Primary Nursery	Project complete on time. New nursery opened 3rd January 2018.
	Education Review Projects	Small reserve budget for unforeseens. Also future Basic Need funding for new school place provision projects.
	Ellacombe Primary expansion	Project complete.
	New Paignton Primary school	On-going discussions with ESFA to identify a suitable site. Awaiting ESFA instructions.
	Paignton Academy Places - mobiles	Project complete.
	Secondary School places	Project on site and progressing well. Completion expected August 2018.
	Special Provision Fund	Action Plan drafted and currently out to consultation. Plan to be agreed in March prior to commencement of capital works from April 2018.
	Torbay School Relocation	Following report to PDDG in December, Officers have been tasked to review options for the Relocation of both Brunel and Burton Academies. Report to go back to PDDG in February 2018.
	Whiterock Primary expansion	Project complete. Minor defects being addressed.
	Youth Modular Projects	Awaiting decision on future of My Place Parkfield.
<b><i>Working towards a more prosperous Torbay</i></b>		
	Claylands Redevelopment	Environment Agency expected to confirm their consent for scheme to proceed in q1. Legals are progressing with prospective tenant and we will be tendering the works with intended start on site in q3 of calendar year.
	DfT Better Bus Areas	Main project plans complete.
	DfT Local Sustainable Transport Fund (Ferry/Cycle)	Project complete
	Edginswell Business Park	Site not yet purchased. Investigation, clearance and survey work are being undertaken along with design and legal advice.
	Employment Space	Scheme progressing well with tenant due to take occupation in the summer
	Investment Fund	Five sites acquired so far. Others are still possible pending 'due diligence' investigations.
	NGP - Torbay Innovation Centre Ph 3 (EPIC)	Planning is in place subject to confirmation of certain matters, legal work is progressing and sub contracting package prices are coming back. There is some evidence of construction price inflation but we expect to be on site before end March

## CAPITAL PLAN - QUARTER 3 2017/18 - PROJECT UPDATE

Capital Plan Projects		Project status report
<b>PB</b>	<b>= Approved Prudential Borrowing schemes</b>	17/18 budget so comment required
	Old Toll House, Torquay	Architectural work and site clearance being undertaken
<b>PB</b>	Oxen Cove Landing Jetty	Scheme recently approved some preparatory work expected this financial year.
	Oxen Cove Shellfish processing facility -design work	Scheme recently approved some preparatory work expected this financial year.
<b>PB</b>	South Devon College - Loan	Loan provided for hi-tech facilities
<b>PB</b>	South Devon Highway - Council contribution	Main construction complete but costs still to be incurred as and when invoiced by Devon CC (lead authority)
<b>PB</b>	Street Lighting - Energy reduction Ph2	Scheme completed
<b>PB</b>	TEDC Capital Loans/Grant	Funds available to draw on as required by TEDC to finance capital schemes
<b>PB</b>	Town Centre Regeneration Programme	Potential scheme options still to be determined
	Transport - Edginswell Station	Preliminary design work complete. Awaiting funding to enable construction phase.
	Transport Integrated Transport Schemes	Fleet Street Improvement commenced January 2018, Road Safety Schemes and School 20mph zone programmes under way.
	Transport Structural Maintenance	Resurfacing Programme is well advanced and on target
	Transport - Torquay Gateway Road Improvements	Shiphay cycle Route, Gallows Gate Widening and Scotts Bridge Widening now implemented, Newton Road Widening delayed due to lack of response from Network Rail regarding land acquisition issues
	Transport - Torquay Town Centre Access	Brunswick Square crossing to be commenced in February 2018, scheme nearing full completion.
	Transport - Tweenaway Junction	Compensation Claims are progressing but yet to be concluded
	Transport - Western Corridor	Kings Ash Road widening to be completed January 2018, Brixham Road Widening commencing January 2018. Funding transferred from Integrated Transport and Torquay Gateway to ensure full scheme delivery.
<b>PB</b>	Upton Place, Lymington Road (Student Accom - Town Hall Car Park)	Negotiations with the prospective tenant have not progressed as quickly as Council & TDA would like. There is a strong desire from Council to TDA to develop alternative options if these negotiations do not conclude promptly
<b>Ensuring Torbay remains an attractive and safe place to live and visit</b>		
	Babbacombe Beach Road	Contribution to scheme available when third party works undertaken
	Beacon Quay Toilets refurbishment	Project complete.
<b>PB</b>	CCTV equipment	Project at evaluation of tender bids, with intention of signing contracts in the Jan-Mar 18 quarter.
	Clennon Valley Sport Improvements	Awaiting feasibility study regarding Parkwood development with extra astro pitch before drainage issues can be addressed
	Flood Defence schemes (with Env Agency)	Council contribution towards capital schemes at Cockington and Monksbridge subject to grant in aid funding being secured for these schemes in 2017/18. Business case will be submitted to EA in January/February.
<b>PB</b>	Freshwater Cliffs Stabilisation	All works completed on site. Final account being agreed with the contractor.
	Haldon Pier - Structural repair Phase 1&2	Main works are complete -some remaining surveys
	Harbour Workboat	Complete. Boat purchased and in operation
	Hollicombe Cliffs Rock Armour	All works completed on site. Final account being agreed with the contractor.
<b>PB</b>	Paignton Harbour Lights Redevelopment	Proposals for redevelopment likely to commence next financial year.
<b>PB</b>	Parkwood Loan re Torbay Leisure Centre	First drawdown tranche of agreed loan expected January 2018

## CAPITAL PLAN - QUARTER 3 2017/18 - PROJECT UPDATE

Capital Plan Projects		Project status report
<b>PB</b>	= <i>Approved Prudential Borrowing schemes</i>	17/18 budget so comment required
	Princess Gardens Fountain	Works progressing completion date April 2018
	Princess Pier - Structural repair (with Env Agency)	Report was presented to full council on 13th September and the recommendations for these works to commence this financial year were approved. Detailed design work and the production of a planning application for the removal of the old landing stage have been completed. The scheme has now been tendered and the successful contractor has been appointed. Works will commence on site as soon as the planning permission has been approved. Likely to be mid January 2018.
<b>PB</b>	Public Toilets Modernisation Programme	The council appointed Healthmatic as the contractor at December's Council meeting. Meetings are now booked for January 2018 to agree the terms of the contract and to agree the draw down schedule for the capital. Once this has been agreed the budgets will be updated but at this stage anticipate the drawdown being over a 3 year period.
	Torbay Leisure Centre - structural repairs	Scheme complete. Small residual budget.
	Torre Abbey Renovation - Phase 2	An outstanding matter is still to be finalised and agreed - probably complete by Feb 2018
	Torre Valley North Enhancements	Awaiting information regarding lease and improvement plans are delayed awaiting the availability of fill materials (probably from Western Corridor road scheme).
	Torquay Harbour -Town Dock Pontoons replacements	Plan to replace pontoon design with a steel tubular floats similar to the outer wave screen. Project to be completed prior to the start of the summer season to minimise any disruption to customers.
<b>Protecting and supporting vulnerable adults</b>		
	Adult Social Care	Project(s) still to be identified
	Affordable Housing	Funds likely to be utilised for affordable housing schemes as identified by Housing Company
<b>PB</b>	Housing Rental Company - Loan	Finance approved to help establish Housing Company
	Sanctuary HA - Hayes Road Pgn	Torbay contribution to affordable housing scheme. Development completed.
	Disabled Facilities Grants	Statutory provision of financial assistance for adaptations to private residences enabling independence for recipients
	Empty Homes Scheme	Funds likely to be utilised for affordable housing schemes as identified by Housing Company
	Private Sector Renewal	Residual funds from former Improvement Grants budget
<b>Corporate Support</b>		
<b>PB</b>	Corporate IT Developments	ICT infrastructure items have and continue to be replaced and upgraded.
<b>PB</b>	Council Fleet Vehicles	Balance of funding available for acquisition of Council's fleet vehicles as required
<b>PB</b>	Essential Capital repair works	Budget provided to cover emergency / urgent repairs to Council properties
	Enhancement of Development sites	Relatively moderate expenditure to enhance value of potential sites.
	Flexible Use of Capital Receipts	Government has introduced flexibility to allow use on transformative projects which produce ongoing savings
	Office Rationalisation Project - Electric House refurbishment	Works to update office accommodation are underway along with associated office moves
	Payroll Project	Project largely completed . Ongoing consultancy and implementation costs.

**CAPITAL PLAN - QUARTER 3 2017/18 - PROJECT UPDATE**

Capital Plan Projects		Project status report
<b>PB</b>	= <i>Approved Prudential Borrowing schemes</i>	17/18 budget so comment required
	General Capital Contingency	Contingency for unforeseen emergencies or funding shortfalls



**Meeting:** Overview and Scrutiny Board      **Date:** 24 January 2018

**Wards Affected:** All

**Report Title:** Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust and Better Care Fund

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** 01 April 2018

**Executive Lead Contact Details:** Councillor Parrott, Executive Lead for Children's and Adults Services, 01803 293217, [julien.parrott@torbay.gov.uk](mailto:julien.parrott@torbay.gov.uk)

**Supporting Officer Contact Details:** Caroline Taylor, Director of Adult Services, 01803 208949, [caroline.taylor@torbay.gov.uk](mailto:caroline.taylor@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 This is the Annual Strategic Agreement (ASA) which sets out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust). The ASA covers the financial years 2018-2020.
- 1.2 In its draft form it does not include the Performance commitments which will be confirmed once the month 9 data is available during January 2018
- 1.3 The agreed Risk Share Agreement (RSA2) following the notice of withdrawal by the Integrated Care Organisation in December 2016 is referenced with links to published documentation and associated finances
- 1.4 The approach to the (Improved) Better Care Fund is included as an appendix to the Annual Strategic Agreement
- 1.5 The Adult Services and Public Health Monitoring Working Party which was created at the Council meeting in February 2017 is meeting on a regular basis to add Member challenge into performance, expenditure and policy issues.
- 1.6 Other key developments such as Eligibility Criteria and the Carers Strategy are also included as appendices

## **2. Reason for Proposal**

- 2.1 The Annual Strategic Agreement sets out the strategic direction for services which is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require the Trust to meet and forms the basis on which performance can be monitored and managed.
- 2.2 The Monitoring Working Party that is now active ensures that there is an opportunity for members to gain an understanding of the issues around adult social care and public health, to review and discuss performance and financial monitoring data and to have oversight of the development of future arrangements such as Local Care Partnerships and the associated governance of the Annual Strategic Agreement.

## **3. Recommendation(s) to the Council**

- 3.1 The Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved

**The Overview and Scrutiny Board is asked to consider whether it wishes to make any comments or recommendations to the Council.**

## **4. Supporting Information**

- 4.1 The Adult Services and Public Health Working Party have considered and are supportive of the approach to the Annual Strategic Agreement

## **Appendices**

Appendix 1: Annual Strategic Agreement 2018/2020



# Annual Strategic Agreement

Between:

**Torbay Council and  
Torbay and South Devon NHS Foundation  
Trust**

For the delivery of:

**Adult Social Care April 2018 to March 2020**

**Draft 3.0 16/01/18**

**DRAFTING NOTE:**

- THIS DOCUMENT REMAINS DRAFT AND IS BEING CONSIDERED BY BOTH THE TRUST AND THE COUNCIL
- PERFORMANCE INDICATORS ARE TO BE CONFIRMED POST M9 OUT-TURN
- SOME APPENDICES TO FOLLOW ONCE AGREED/APPROVED THROUGH THE ADULT SOCIAL CARE PROGRAMME BOARD

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## **1 Introduction**

The Annual Strategic Agreement (ASA) is refreshed and agreed annually between Torbay Council (the Council) and Torbay and South Devon NHS Foundation Trust (the Trust). The ASA is aligned with the Council's Corporate Plan and the Trust's Operational Plan.

The ASA is set in the context of the Risk Share Agreement established between the Council, the Trust and South Devon and Torbay Clinical Commissioning Group (the CCG).

It should also be noted and considered within the context that the Council and the Trust and CCG are working as part of the Devon wide Sustainability and Transformation Partnership (STP). The organisations continue to evidence their strong partnership role in working on both local and Devon solutions to use resources to best effect.

There is an aspiration for the Trust to become a Local Care Partnership during 2018/19 as part of the governance of an Accountable Care System for Devon.

### **1.1 Scope of the Agreement**

The scope of this agreement is Adult Social Care (ASC) services provided for the population for which Torbay Council is accountable. This will include the statutory duties and obligations in respect of the delivery of ASC services for people who are resident in Torbay but will also include people placed in accommodation in other areas of the country where national policy dictates that the Council remains the accountable authority.

In addition to the services described in this Agreement, the Trust provides other services, including those commissioned by the CCG, NHS England specialist, dental, and screening teams.

Torbay Council also commissions additional services from the Trust including, the Drug and Alcohol Service and the Lifestyles, Health Visiting, and School Nursing service which are commissioned by the Council's Public Health team.

Within the integrated approach of the Torbay care system the parties work jointly to ensure effective and efficient delivery of services. The Trust hold the budget for areas such as Autism, Learning Disabilities and Mental Health. Aspects of these are delivered through other organisations such as Devon Partnership Trust. The system partners will collaborate to ensure a continuous improvement approach to the delivery of care. Roles and responsibilities will be part of iterative work within 2018/19

### **1.2 Summary of services to be provided**

The services provided under this agreement will include:

- Provision of information and advice to people enquiring about ASC services;
- Assessment of need for social care services, including the provision of rehabilitation and reablement services, and an Emergency Duty Service;

- Commissioning and monitoring individual packages of care, including case management assessments under the Mental Capacity Act, Deprivation of Liberty safeguarding and engagement in Court proceedings;
- Monitoring of the quality, performance, and cost of services provided by Trust staff and other providers;
- Safeguarding the needs of adults and older people living in Torbay. This includes delivery of Torbay Council's operational safeguarding responsibilities, servicing the Torbay Adult Safeguarding Board, investigations of individual safeguarding concerns and whole homes investigations;
- Voluntary and Community Sector development and coordination in support of independence, self-care, enablement and improved quality of life;
- Ensuring that services are provided in a cost effective way whilst still offering the choice to which people are entitled;
- Collection of income for chargeable services, including and assessment of an individuals' financial circumstances and ensuring that people are receiving any welfare benefits to which they are entitled;
- The collection, collation and submission of activity information and performance returns as required operationally, by the Council and to meet local, regional and national statistical returns;
- The collection, collation and submission of financial returns and budget reports as required operationally, by the Council and to meet local, regional and national statistical returns;
- Benchmarking Torbay Council's performance and cost against similar Local Authority areas, England and the South West;
- Input to JSNA and housing needs assessment as required to ensure strategic commissioning plans and market management is based on relevant, accurate, quality and timely data;
- Procurement and monitoring and management of the local market, within the strategic approach set by the Council/CCG Joint Commissioning Team and Market Management Group, to ensure sustainable, good quality services;
- Delivery of agreed plans including Trust Wide Improvement Projects and those agreed through the BCF including the commitments to optimise the application of the Disabled Facilities Grant.

## **2 ASC Commissioning Priorities**

The Council's Corporate Plan (2015-2019) includes the following commissioning priorities for 2018-2020. It is the Trust's responsibility to ensure these are underpinned by timely and accurate data collection and information provision including, finance and performance management information on independent and community voluntary sector contracts and Service Level Agreements held by the Trust:

### **2.1 New Model of Care**

- Wellbeing Co-ordination in place, offering strengths based conversations and signposting to support people to maximize resilience and self-care
- introduction of a new model of support planning, using a partner to deliver person centered support plans developed with people by planners with lived

experience

- Living Well@Home development programme being a market wide programme in support of the new model of care;
- Implementation of the NHS Standard contract for Care Homes and development of outcomes based contracting options;
- Accommodation-based, care and support strategy;
- Outcomes based specification for extra care housing and procurement of supported living, to maximize independence ;
- Support the development of a vibrant voluntary and community sector within the context set by commissioners
- Reducing demand through prevention and innovation
- New approaches to assessment and the introduction of Individual Service Funds in order to maximize choice and reduce costs in care packages.

These will be supported by the development of a detailed approach to Information and Advice provision (in relation to ASC services), a strategic plan for the support of enablement of individuals by the use assistive technology alongside a refreshed strategy for the development of the Voluntary and Community Sector.

## 2.2 Autism

- Provide Autism awareness training for Trust staff who come into contact with people with autism;
- Ensure that staff of organisations and agencies commissioned by the Trust who come into contact with people with autism have appropriate training;
- Provide specialist training for key staff in the trust who come into contact with people with autism;
- Undertake assessments under the Care Act for adults;
- Key partner and in the development and delivery of the Joint Learning Disability and Autism Strategy and action plan, following the ADASS Peer Review.
- a sustainable supported living market for people with Autistic Spectrum Disorder diagnosis through procurement of Supported Living Shared Hours and Supported Living 1:1 Hours contract

## 2.3 Learning Disabilities

- Focus on people living full and independent lives, where secure homes and fulfilling lives are a priority;
- Help people and let them know what options they have to help them achieve their goals;
- Improved accessibility to community services for those people who have a learning disability;
- Improve access to employment and housing;
- Key partner and in the development and delivery of the Joint Learning Disability and Autism Strategy and action plan, following the ADASS Peer Review.
- secure a sustainable supported living market for people with a Learning Disability diagnosis through procurement of Supported Living Shared Hours and Supported Living 1:1 Hours contract

Mental Health The Council has statutory responsibilities for providing services to eligible people with poor mental health under the Mental Health Act 1983 and NHS and Community Act 1990, which are delegated to the Trust. These include:

- Approval and provision of 'sufficient' numbers of Approved Mental Health Practitioners (AMHP);
- guardianship under section 7;
- Financial and Budgetary responsibilities for the whole Mental Health budget, including activity below assigned to DPT.

Devon Partnership Trust will be directly commissioned under a Service Level Agreement by Torbay and South Devon NHS Foundation Trust as part of the section 75 agreement between TSDFT and the Council. Devon Partnership Trust will be commissioned to operationally deliver these under 65 social care mental health services in Torbay. This is in compliance with Torbay Council's statutory duties under the Care Act, Mental Health Act and other relevant legislation, including:

- Aftercare under section 117;
- Care management services, including operational brokerage of social care packages.

Contract management of Devon Partnership Trust will be undertaken by Torbay Council, Strategic Commissioning Support for this arrangement will be provided by Torbay Council's Joint Commissioning Team.

Professional Practice oversight of AMHP needs to be defined and agreed. This arrangement will be governed by this ASA and a contract between DPT and the Trust.

The priorities for the commissioned service in 2017 to 2018 extend into 2018 / 19 and are outlined in the Adult Mental Health, Joint Delivery Plan between the Council, TSDFT and DPT. Close working with other commissioners such as the CCG will see this developed and monitored through Social Care Programme Board Quarterly performance and finance reports will be submitted to the ASCPB. A governance structure is in place with the Council, the Trust and DPT. Greater alignment of this work will be required during the 2018/19 financial year through the development of the Mental Health ACS. It is envisaged greater alignment of governance and strategic approach will be agreed through this structure. It is expected that during this period employment of the Approved Mental Health Practitioners will transfer from the Council to DPT.

- Trust finance team support for improvement plan and development and implementation of cost improvement projects. Torbay Council Commissioners to agree improvement plan and development of cost improvement projects with DPT
- Support for integrated personal care planning and brokerage including implementing and embedding systems plans.
- Review and redesign of all current assigned staff roles within the Adult Mental Health contract to ensure value for money and focused approach to delivering better outcomes for people with mental ill health.
- a sustainable supported living market for people with a Mental Health diagnosis through procurement of Supported Living Shared Hours and Supported Living 1:1 Hours contract

## 2.4 Social Care Workforce

- Ensure sufficient professional leadership and support to changes to the workforce and implementation of new ways of working;
- Develop capacity within the workforce to deliver the services and provide contingency working and engagement in co-producing new approaches to care work e.g. Trusted Assessor models.

## 2.5 Enhanced working between the commissioning functions

- Continued development of working arrangements for clarity of roles and responsibilities with the growing independent and voluntary sector;
- Supporting engagement with independent and voluntary sector providers through the multi-provider forum and associated groups.

## 2.6 Housing and Care

This commissioning function in support of the new model of care will be led by the Council in support of its system partners Implement the homelessness prevention plan:

- Re-commissioning of accommodation based and outreach support for single homeless and young peoples' homelessness support services and young parents service;
- Implement the Devon protocol to support joint action on improving health through housing;
- Accommodation-based care and support plan;
- Better use of equipment, home improvements, grants and technology including, disabled facilities grant in line with BCF planning;
- Homelessness strategy delivery including, prevention and early intervention and alternatives to temporary accommodation and improved hospital discharge.

## 2.7 Safeguarding Adults

The Trust will deliver operational safeguarding duty on behalf of Torbay to:

- Prevent abuse and neglect wherever possible, understand the causes of abuse and neglect, and learn from experience;
- Ensure all organisations embed learning from incidents and case reviews;
- Improve multi-agency practice and processes to improve individual safety planning as part of care and support plans and safeguard adults in a way that supports choice and control and improves their lives;
- Provide information and promote public awareness to enable people in the community to be informed so that they know when, and how, to report suspected abuse;
- Work with strategic commissioners and in partnerships with independent and community voluntary sector organizations to identify and address issues early preventing escalation through focused service improvement planning to reduce and streamline the number of current safeguarding processes.

## 2.8 Carers

**In line with the priorities established through the redesign of Carers services** the Trust will deliver operational duties to support carers on behalf of Torbay to:

- Provide Carers Assessments / Health and Wellbeing Checks for Carers of Adults
- Provide support to maintain Carers' health and wellbeing
- Provide Carers' advocacy;
- Promote identification and support of Carers across the wider health/social care community;
- Provide support to commissioners about market development to meet the needs of Carers and those of the people they care for
- Ensure Carers performance indicators are met.
- Take steps to address reduced performance in the Personal Social Services Survey of Adult Carers in England 2016-17;
- Implement the Carers Strategy (Appendix 1)

In 2018/19 a review of Carers Services will be undertaken, this will include a period of consultation with the public. Any decisions on changes to services will be made following this consultation and be managed through the Adult Social care Programme Board.

### 3 Current Services

#### 3.1 Activity Baseline and Planning Assumptions

The Trust will be providing, under the terms of this agreement, long term packages of care to adults and older people with social needs. In the table below this activity is broken down across localities / teams and by value of the packages of care (initial business planning baseline).

Table 1: Activity Baseline Assumptions for 1<sup>st</sup> April 2018

	Mental Health Under 65	Mental Health Over 65	Learning Disability	Adults & Older People		Total
				Torquay	Paignton & Brixham	
Type of Care and Support Plans						
Packages of Care Under £120 per week (at home)	54	19	47	236	186	<b>542</b>
Care Under between £121 & £999 per week (at home)	41	24	244	245	251	<b>805</b>
Care Under £1,000 per week (Residential based)	36	130	82	174	165	<b>587</b>
Care over £1,000 per week (at home & residential based)	3	5	79	4	5	<b>96</b>
Full Cost Care (Residential based)	-	21	1	14	18	<b>54</b>
Full Cost Care (at home)	-	12	2	49	49	<b>112</b>
<b>Total</b>	<b>134</b>	<b>211</b>	<b>455</b>	<b>722</b>	<b>674</b>	<b>2,196</b>



### **3.2 Projected activity**

As part of the Trusts' business planning process the Trust's Community Service Delivery Unit (Community SDU) will formulate plans to deliver the capacity required in 2018/19 within the parameters of the Trust's business planning process and the associated savings requirements.

The service development and saving plan work streams developed through this processes by the Community SDU will report to the Adult Social Care Programme Board (ASCPB) with governance, assurance and approval being provided through this board as appropriate and applicable.

### **3.3 Operational Delivery, Monitoring & Oversight**

Delivery will be monitored through local operational meetings, the Community SDU Board, the Trust Board and the ASCPB against financial run rates and performance targets.

The Trust will operate autonomously to take any management action is necessary to correct performance which can be taken within the parameters of this Agreement. However, should exceptional circumstances arise, through excess demand or other external factors not taken into account when the budget allocations underpinning this agreement were made, the impact and any corrective actions will be discussed through the ASCPB

The indicators are to be agreed in the light of the December 2017 out-turn figures and the relevant service and business planning processes. Performance indicators for the service will be those set nationally, under the ASC Outcomes Framework (ASCOF), or agreed locally. A description of the ASCOF indicators is set out in Appendix 2 and includes details of the performance and benchmarking information against each Key Performance Indicator along with performance measures produced following the review of work with Professor John Bolton.

### **3.4 Impact on quality, activity and cost including cost improvement**

A programme of improvement and savings plans will be developed by the Trust for approval through the Adult Social Care Programme Board and attached as Appendix 3

### **3.5 Adult Social Care Workforce**

The provision of integrated health and social care services through local multidisciplinary teams has proved to be an effective model for delivery, able to respond to customer needs swiftly, facilitate rehabilitation, and avoid admissions to residential care and hospital where ever possible. However, the existing model relies on a level of staff resources which will not be sustainable in future given the additional demands. An alternative model is being designed which will have an impact on how staff are deployed.

The new care model will be built on a strengths based approach, aligning entirely to the model in use within the voluntary sector and Integrated Personal Commissioning. Adopting this approach across social care, health services, and the private, voluntary and independent sectors will bring a synergy of approach not previously seen. For social care this is building upon the previous 'Personalisation Strategy'. This is being developed with initiatives e.g. Strengths Based Working and Making Every Contact Count (MECC) and will underpin a move from time based and care based provision to outcomes based commissioning.

### 3.6 Safeguarding

The Trust will continue to deliver the delegated responsibilities of Torbay Council regarding Safeguarding Adults. The Care Act 2014 put Safeguarding Adults into a statutory framework for the first time from April 2015. This placed a range of responsibilities and duties on the Local Authority with which the Trust will need to comply. This includes requirements in the following areas:

- Duty to carry out enquiries;
- Co-operation with key partner agencies;
- Safeguarding Adults Boards;
- Safeguarding Adult Reviews;
- Information Sharing;
- Supervision and training for staff.

Accountability for this will sit with the Torbay Safeguarding Adults Board (TSAB). This is a well-established group that will provide a sound basis for delivering the new legislative requirements. The Board will incorporate the requirements into its Terms of Reference and Business Plan for 2017/18, ensuring that all relevant operational and policy changes are in place for April implementation.

Regular performance analysis from all partner agencies will be reported to the TSAB to give a clear picture of performance across the agencies. The Council will ensure high level representation on the Board by the Director of Adult Social Services and Executive Lead for Adult Social Care.

In order to maximise capacity Torbay SAB will work closely with the Devon SAB with an increased number of joint sub-committees and shared business support. In addition to this, to provide internal assurance that the Trust is fulfilling its Safeguarding Adult requirements, the Board will have a sub-committee which will oversee performance. This will have a particular focus on training and performance activity.

The Council has signed up to the national initiative of 'Making Safeguarding Personal'. This is an exciting initiative designed to measure Safeguarding Adult performance by outcomes for the individual, rather than the current reliance on quantitative measurement of timescales for strategy meetings and case conferences. This is now in place.

The Trust also has delegated responsibility as a provider of ASC services to ensure that it participates as a full partner in the TSAB and meet all regulatory requirements in safeguarding adults and children.

### 3.7 Delivery and Performance Management: Adult Social Care Services

The present arrangements for ASC delivery through an integrated health arrangement delivered by the ICO have been benchmarked against similar authorities in its family group (comparator group). The results show in 2016/17 Torbay spends around £363 per head of adult population, compared to an average of £348 for our comparator group (this is the net current expenditure from 2016/17 Adult Social Care Finance Return (ASC-FR) - per head of adult population).

It is to be noted that the integrated nature of the Torbay's system whilst delivering better outcomes for people does mean that direct comparisons do not always provide an unambiguous picture. The work and benchmarking as provided by Professor John Bolton illustrates the benefit of the additional analysis and benchmarking. With this in mind a series of additional measures reflecting the challenges put forwards by Professor Bolton are included within the performance indicators and will be attached as Appendix 2.

Torbay performs very well in the following area:

<b>Excellent</b>
<ul style="list-style-type: none"><li>• Service user reported quality of life</li><li>• Service user reported social contact</li><li>• Service user reported control over daily life</li><li>• Carer reported ease of finding information</li></ul>

And well in these areas:

<b>Good</b>
<ul style="list-style-type: none"><li>• Service user reported ease of finding information</li><li>• Service user reported satisfaction with care &amp; support</li><li>• Coverage of reablement service</li><li>• Reablement not followed by long term social care support</li><li>• Delayed transfers of care from hospital</li></ul>

<b>Opportunities for improvement are as follows</b>
<ul style="list-style-type: none"><li>• Permanent admissions to residential and nursing care for 18-64 years olds</li><li>• Adults with a learning disability in paid employment</li></ul>

Audit South West's January 2017 audit report looking at the Trust's care assessment process has confirmed that "the Trust's arrangements for the assessment of the care needs of referred individuals, and determination of eligibility to receive publicly funded care and support is in line with the Care Act 2014 and are appropriate. Staff are able to access a range of training and operational support mechanisms to help them discharge these key responsibilities."

Appendix 4 provides further detail in respect of the areas above – Summary of Adult Social Care Outcomes Framework for Torbay (Jan 2017)

<sup>1</sup> Torbay's family group of comparator authorities are groups of authorities that central government consider have similar patterns of deprivation and age profiles etc.

N.B. It should be noted that the ASA applies to the delegation of authority and activity in respect of ASC and does not include Children's services. The ICO's use of funds to deliver these services should therefore focus on ASC when comparisons are made with other authorities.

[Torbay and South Devon NHS Foundation Trust Final Internal Audit Report: Care Assessment Process Report Reference: TSD08/17 January 2017

Source Page 34 CIPFA Local Authority budget comparator profile Torbay Comparator Report November 2016

Source ASCOF and Personal Social Services: Expenditure and Unit Costs, England - 2015-16: <http://www.content.digital.nhs.uk/catalogue/PUB22240> ]

## **4 Service developments**

Key developments in the way ASC services are provided, and any changes in what services will be provided, are outlined in the following paragraphs. Where appropriate the planning and implementation of these changes will involve internal and external consultation with key stakeholders as set out in the Decision Tracker which is managed through the ASCPB. Where appropriate the Decision Tracker will also clarify accountability for decision making in these developments.

The new care model will target resources to those in greatest need and provide a universal service to allow people to be as independent as possible and be connected with their local community. The new care model will require significant change and we will need to ensure that we support staff and managers through complex change.

To support the resilience and sustainability of services, we will work closely with the independent and voluntary sector in relation to co-production of solutions that provide solutions for 'what matters to me'.

The Ageing Well Programme has piloted a number of initiatives and the evaluation of these will offer additional input for the further development of services that provide alternatives to traditional social cares services, increase the independence of people and encourage preventative measures and behaviours. Areas that will be addressed include Information and Advice, Assistive Technology and community building.

The development of the new model of care, the on-going focus on enablement and support for a strengths based approach with clients is further underpinned by a revised Eligibility Criteria which will be attached as Appendix 5 once formally agreed by the Adult Social Care Programme Board.

### **4.1 Social Care Workforce Plan**

Delivery of Care Act compliance is a key deliverable for our social care staff and in 2018/19 we will develop and implement a workforce plan for social care services which focuses on:

- Working in partnership with our community, addressing the issues faced by our most vulnerable members;
- Revisiting our approach to ensure we are inclusive with users, carers and community organisations – using strengths based approaches as our principal theoretical approach and operating model;

- Promoting the reputation of social work in Torbay through engagement with users and the co-design of our approach;
- Supporting staff to reach their potential using a capability framework; responding to the Social Work health check and by providing support to improve resilience;
- Delivering a high quality, safe and well respected service through use of quality, safety and governance processes.

In 2016/17 TSDFT undertook the Social Work Health Check. The health check indicated that there are arrangements in place for structures such as flexible working, staff welfare services and exit interviews. Despite increasing allocation lists, Social Workers did not report unmanageable caseloads or sickness due to stress. However, stress is a constant issue for Social Work. Although Social Workers do find time to attend training, and they find it useful, they feel it needs improvement in terms of specialist areas and opportunities for professional development.

These key areas were identified as performance and improvement priorities:

- Reducing the amount of process and computer inputting
- Improving training & CPD
- Clarifying arrangements for supervision
- Focusing on wellbeing and resilience

These areas have been addressed via an action plan in 2017/18. In 2018/19 a strategic approach is sought to the supporting infrastructure and the legacy system that is PARIS.

#### 4.2 **Strengths Based Approach**

The Care Act 2014 requires local authorities to consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help in considering what else other or alongside the provision of care and support might assist the person in meeting the outcomes they want to achieve. In practice, this means operationalising strengths based approaches into the care model.

A strengths based approach is being embedded and scaled up within the new Health and Wellbeing Teams. It will become the golden thread which runs through all our interactions with people, both in terms of how we approach care and support in our teams and how our teams in turn approach care and support with the people they serve. To support the deployment of a strengths based approach we have developed the following principles for the implementation:

- We will empower staff to use their skills and experience;
- We will let go of care management approaches;
- We will focus on community involvement;
- We will concentrate on the assets and strengths of the people who use our services, our staff and our partners.

#### 4.3 **New Approaches to Person Centred support Planning**

During the course of 2018/19 the Trust will continue to explore new approaches to undertaking support planning. This will include furthering existing schemes for people

with learning disabilities and undertaking wider proof of concept work in partnership with independent, voluntary and third sector organisations.

#### **4.4 Wellbeing Coordinators**

The Wellbeing Coordination service has been in place since July 2016 and is now well embedded as part of the Health and Wellbeing Teams across Torbay. The Trust is working with partners to look at the evaluation of this program in relation to outcomes which reduce reliance on statutory services. This is an evolving project which is being co-designed and developed between statutory and voluntary sector providers and is funded from the Ageing Well Lottery Fund.

#### **4.5 Self-Directed support – including direct payments**

Self-directed support using initiatives such as Individual Service Funds alongside Direct Payments will be encouraged. An infrastructure will be developed to support this, enabling people to identify their options, make informed decisions and have mechanisms that make the right thing to do the easy thing to do.

An example of this is the implementation of Direct Payment cards that took place in 2016/17.

The personal assistant market was a focus of development in 2017/18 and is now well established. The priority for 2018/19 is a refresh of the Direct Payment policy, in order to fully embed a flexible and personalised approach. This refresh will be managed through the Adult Social care Programme Board.

#### **4.6 Care Model Implementation**

Health and wellbeing teams referred to in the Operational Plan will be providing a range of functions details of which are below:

- Encourage self-care, healthy lifestyles and maintain independence
- Help to grow community assets/develop resilience;
- Assessment, support planning and professional social work support;
- Provide rehabilitation;
- Provide nursing care;
- Integrated medical management of people with complex co-morbidities;
- Reactive care coordination of people with deteriorating complex health issues and frail elderly;
- Continue to imbed and mainstream Learning Disabilities and working with the voluntary sector to support the delivery of this
- Proactive care co-ordination of people with complex needs and frail elderly;
- Proactive integrated long term conditions support;
- High quality discharge support from hospital to home, integrated planning and seamless handover of care;
- Development of a fully integrated out of hospital care system for Torbay and South Devon, providing onward care which is focused on improving independence.
- Provide falls prevention services;
- Provide palliative care as part of end of life care pathway.

In addition to the Trust's internal governance structures the impact of these changes on community based care roll-out will be monitored and assured through the ASCPB in respect of the community activity

#### **4.7 Services for people with learning disabilities including Autism**

On the 12<sup>th</sup> and 13<sup>th</sup> of October 2017, Torbay Council and the Trust took part in a Learning Disability Peer Challenge Review; which was an opportunity for all partners to understand what we do well, areas for improvement and will support us together in setting our strategic aims and delivery for Learning Disability services for the next three years.

As part of the next stage of this process, an action plan has been developed, with the participation of key partners and will focus on the 5 key areas that have emerged from the Peer Review Team visit:

- Information and Needs Assessment
- Training and Employment User
- Engagement and Partnership Board
- Commissioning and Market for the Future
- Working in Partnership

The Trust will be a key partner in the delivery of this plan.

#### **4.8 Residential and Day Services for Older People**

Market management strategy to support and shape the local market for ASC will be produced and led by council commissioners.

#### **4.9 Reviews**

In 2017/18 the Quality Assessment and Improvement Team was formed by The Trust. This team focusses on all residential and nursing reviews, offering support to homes on key improvement issues. The feedback from homes has been very positive and in 2018/19 a review will be undertaken to ensure that the team has sufficient clinical leadership and can meet review targets.

#### **4.10 Key Milestones**

These are to be agreed, in line with the performance indicators and Trust Wide Improvement initiatives, through the ASCPB and then monitored and assured by the ASCPB throughout the year.

### **5 Quality Assurance**

#### **5.1 National: CQC (Care Quality Commission)**

The Commission will make sure health and social care services provide people with safe, effective, and compassionate high-quality care and encourage care services to improve. They monitor, inspect, and regulate services to make sure they meet fundamental standards of quality and safety and publish what they find, including performance ratings to help people choose care.



## **5.2 Local: Torbay and South Devon NHS FT**

The Trust will provide quality assurance of both its own integrated business activity and the services it commissions on behalf of the community. A quality and safety report reports all social care quality, safety, and performance metrics quarterly. Interim performance monitoring is via the ASCPB; which receives performance reports and updates on ad hoc issues.

A Quality Assurance Framework has been developed and is now in use with independent and voluntary sector providers to provide assurance in regard to the quality of care provided to people in their own homes and in care homes

## **6 Finance and Risks**

### **6.1 Financial Risk Share**

The Risk Share Agreement (RSA) (Appendix 9) was developed as part of the transaction creating the ICO, and took effect from its inception on 1<sup>st</sup> October 2015. A revised Risk Share Agreement was agreed October 2017.

The share of financial risk going forward is a function of the wider performance of the Trust, rather than specifically in relation to Adult Social Care. The financial baseline from the Council and the CCG, the commissioning funders of the ICO, are set out in the revised Risk Share Agreement, known as RSA2.

### **6.2 Care Home Fees Judicial Review Appeal**

The Council has agreed to fund any additional settlement agreed or instructed in the part two decision on the judicial review appeal.

### **6.3 Better Care Fund**

The Better Care Fund is dealt with within the Section 75 agreement. The Improved Better Care Fund (iBCF) and Disabled Facilities Grant are hosted by the Council and have governance structures which reflect this and the allocation of spend. The focus of the iBCF will continue to be on those initiatives that encourage the development of the new model of care and transformation of adult social care provision. Appendix 10 provides a list of schemes within the Improved Better Care Fund that have been approved

### **6.4 Efficiency Risks**

- Delivery of the Trust-wide Improvement programme
- Levels of agency and temporary staff costs
- Increasing costs of medical technologies
- Rate of expenditure in both ASC and Place People
- Delayed delivery of financial benefits arising from the implementation of the revised care model

### **6.5 Risks pertinent to Adult Social Care expenditure include**



- Scale of required savings
- (insufficient) Capacity and quality in the domiciliary care market
- Sufficiency and pricing in the care home market
- Community support for change
- Impact of case law re Deprivation of Liberty Safeguards
- Pressures in out-of-hours Emergency Duty service
- Increasing complexity of needs
- Increasing referral rates due to the increasing age of the population

## **7 Client Charges**

### **7.1 Power to Charge**

With the introduction of the Care Act, the Council now has a 'power to charge for services' whereas previously, there was a 'duty to charge' for long term residential/nursing care and a 'power to charge' for non-residential care.

The Council has made the decision to utilise the 'power to charge' for both residential and non-residential services. The Trust will discharge this power on behalf of the Council and in doing so will apply sections 14 and 17 of the Care Act and the Care and Support (charging and assessment of resources) regulations 2014.

### **7.2 Residential and Non Residential Charges**

Charges for residential services will be amended each April as directed by the Department of Health new rates. In addition to this, charges can also be amended in light of increases to the cost of care.

Charges per unit of care for non-residential care services will be set in accordance with the Council's charging policy.

Client contributions are based on the level of care a person requires and an assessment of their financial circumstances, including capital and income. The Trust will ensure that individual financial assessments are updated at least annually (but more frequently where the financial circumstances of an individual service user are known to have changed during the course of the year).

Consequently the charges made to an individual may change in the course of a year if there are changes in their financial circumstance or the level of care they require.

The Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the Finance and Benefits team and an individual financial assessment in person for new assessments where possible.

There is no charge for Intermediate Care or Continuing Health Care services.

### **7.3 Carers**

Services provided specifically to carers will, in principle, not be subject to a charge but this will remain under review dependent upon resource allocation. These are services provided directly to the carer (rather than the person that they care for) which include open access services such as Carers Emergency Card and Carers Education Courses, and simple services provided as a result of an assessment including emotional support or one-off direct payments for a carer's break.

The Carers Strategy will be subject to consultation in the final quarter of 2017/18 and implemented during 2018/19 and attached as Appendix 1.

#### **7.4 Universal Deferred Payments**

The Care Act 2014 established a requirement for a universal deferred payments scheme which means that people should not be forced to sell their homes in their lifetime to pay for the cost of their care.

A deferred payment is, in effect, a loan against the value of the property which has to be repaid either from disposal of the property at some point in the future or from other sources. The scheme has now been running since April 2015 as all councils in England are required to provide a deferred payment scheme for local residents who move to live in residential or nursing care, own a property and have other assets with a value below a pre-determined amount (currently £23,250). They must also have assessed care needs for residential or nursing care.

The Council's deferred payments policy is now fully implemented as part of the policy the Trust has the ability to recover any reasonable costs it may incur in setting up and reviewing a Deferred Payment Arrangement in addition to the cost of any services provided. These management costs may be included in the deferred payment total or be paid as and when they are incurred.

The interest rate payable on deferred payments is advised by the Department of Health and changed every six months. Interest will be added to the balance outstanding on the deferred arrangement on a compound daily basis, in accordance with the regulations.

### **8 Governance**

#### **8.1 Adult Social Care Programme Board (ASCPB)**

The text of this section remains current however the Terms of Reference and membership of the ASCPB will be revised and agreed to ensure the ASCPB continues as an effective governance board within the developing system structures.

The ASCPB remains the contract management Board for this Agreement. The ASCPB will drive ASC and improvement plans. Its Terms of Reference cover the following areas:

- To assist the development of the strategic direction of ASC services supporting the new context faced by the Council and Trust in terms of public sector reform, reducing public resources and potential devolution;
- To receive regular reports and review progress against transformation and cost improvement plans differentiating between those areas incorporated within the budget settlement and any cost pressures over and above this;
- To receive reports and review performance against indicators and outcomes

- included in the ASA providing and/or participating in regular benchmarking activities;
- To monitor action plans against any in-year areas of concern, raising awareness to a wider audience, as appropriate;
  - To discuss and determine the impact of national directives translating requirements into commissioning decisions for further discussion and approval within the appropriate forums. This will include the initial list of service improvement areas planned for 2017-19 and onwards;
  - To discuss and develop future ASAs; co-ordinate the production of the Local Account.
  - To receive and review the progress of the Trust Wide Improvement Plans impacting on ASC
  - To escalate issues of concern or delivery to the Contract Review meeting and the RSOG as appropriate

The ASCPB governance framework is under review. In the interim the ASCPB will report and escalate issues which cannot be resolved within the ASCPB, to the Joint Executive Group; additionally the ASCPB reports to the Adults and Public Health Monitoring Group for oversight by elected Members.

## **8.2 Consultation, engagement and involvement process**

As the Accountable Authority the Council will lead consultation processes where the need for change is being driven by the needs and requirements of the Council beyond those of delegated activities to the Trust. The Trust is committed to supporting the consultation and engagement processes the Council undertakes in relation to service changes recognising the Council's statutory duty and good practice.

As a provider the Trust will engage all stakeholders in service redesign and quality assurance including, playing an active role with Torbay Council Health Overview and Scrutiny Committee. Additionally the Trust will be engaged with the CCG Locality Teams where the primary focus will be on consultation in regard to NHS services.

Where service changes will result in variation in the level or type of service received by individual service users, the Trust will comply with statutory guidance on the review/reassessment of care needs and ensure that those service users affected are given appropriate notice of any changes.

The Council, the Trust, and the CCG will continue to support the role of Healthwatch and the community voluntary sector in involving people who use services in key decisions as well as service improvement and design. The Council also expects the Trust to engage actively with service users and the voluntary sector in Torbay in developing new service solutions. This will apply irrespective of whether the service changes are driven by the necessities of the current financial environment or the need to ensure the continual evolution and development of services.

## **8.3 Programme Management**

Oversight of delivery and programme management for the programmes of work set out in this Agreement will be provided through the Trust's Programme Management Office. Delivery will be monitored through standing internal meetings (such as the Community SDU Board), and reported for assurance to the ASCPB.

## **8.4 Key Decisions**

Whilst this agreement places accountabilities on the Trust for the delivery and development of ASC Services, the Trust may not act unilaterally to make or enact decisions if they meet the criteria of a 'key decision' as described in the standing orders of the Council or are included in a list of 'Reserved Items' shared between the parties as part of the agreement.

This requirement reiterates section 22.3 of the Partnership Agreement under which services were originally transferred from the Council to Torbay Care Trust. Key decisions must be made by the Council in accordance with its constitution. In Schedule 8 of the Partnership Agreement a key decision is defined as a decision in relation to the exercise of council functions, which is likely to:

- Result in incurring additional expenditure or making of savings which are more than £250,000;
- Result in an existing service being reduced by more than 10% or may cease altogether;
- Affect a service which is currently provided in-house which may be outsourced or vice versa and other criteria stated within schedule 8 of the Partnership Agreement.

In addition when determining what constitutes a key decision consideration should be given to the possible level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be a 'key decision'.

#### **8.5 Governance of other decisions**

Governance of other decisions will vary according to the scope and sensitivity of the decision being made. To ensure clarity about whether decisions are to be taken by the Trust, Council, or CCG and at what level the decision should be taken a 'Decision Tracker' has been developed and will be managed through the ASCPB.

The Council will take the lead in reviewing, managing and updating the Decision Tracker throughout the year.

#### **8.6 Governance of Placed People**

With the advent of Risk Share Agreement 2 being signed in 2017 Placed People Governance sits within the structure of the present monitoring and decision making arrangements which include ASCPB and Joint Executive meetings.

#### **8.7 Risk Share Oversight Group**

The Risk Share Agreement (RSA) (Appendix 9) describes the framework for the financial management of the multi-year investment by health and social care commissioners for the services provided by the Trust. The RSA sits alongside the NHS Standard Contract and this Agreement. Whilst does not override the quality or administrative elements it does supersede all financial components.

The implementation of the RSA will be monitored by the Risk-Share Oversight Group (RSOG), which includes senior officer representation from the Council and Directors from the Trust and CCG, to provide strategic oversight of the RSA.

## 8.8 Individual Roles and Responsibilities

### 8.8.1 Torbay Council Executive Lead Adults and Children

The role of Executive Lead is held by an elected Member of Torbay Council. As part of their duties they will sit as the Council's representative on the Trust Board to provide oversight, challenge, and liaison.

### 8.8.2 Director of Adult Social Services

The role of Director of Adult Social Services (DASS) is a statutory function, and is fulfilled by a senior officer of the Council who is accountable for all seven responsibilities of the role set out in statutory guidance dated May 2006. However responsibility for Professional Practice and Safeguarding are delegated to the Deputy DASS employed within the professional practice directorate of the Trust.

### 8.8.3 Deputy Director of Adult Social Services

The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding, and support the running of the ASCPB. The role also oversees the Deprivation of Liberty Safeguards and Guardianship arrangements in Torbay.

### 8.8.4 Deputy Chief Executive and Chief Operating Officer

The role will provide provider executive input and oversight as part of the governance structure for the contract.

### 8.8.5 Organisational Roles and Responsibilities

The partnership working inherent within the Torbay model is supported by further clarification of the organizational roles pertaining to the local authority as the commissioning partner of the contract and the Trust as the providing partner including commissioning responsibilities within its delegated activities. A range of activities for reference is included in Appendix 6 – Strategic and Micro-commissioning functions.

## 8.9 Emergency cascade

Please see Appendix 7 for details of Torbay Council's Emergency Planning Roles in Council's Emergency cascade. The Trust will be expected, through best endeavours, to identify social care senior officers to be part of emergency cascade, to coordinate delivery of ASC in an emergency situation.

## 8.10 Annual Audit Programme

Audit South West (ASW) as the Internal Audit provider to Torbay and South Devon NHS Foundation Trust will undertake the following actions and requirements:-

- Consult with the Director of Adults Services (DAS) of Torbay council on proposed internal audit coverage;
- Provide to the DAS copies of assignment reports that relate to control arrangements for Adult Services;
- Provide an annual report to the DAS on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas

directly affecting Adult Services.  
Detail is included in Appendix 8

**Appendix 1: Carers' Strategy – to follow after consultation & agreement at ASCPB**

## Appendix 2: Performance Measures:

- Adult Social Care Outcomes Framework (ASCOF)
- Better Care Fund
- Local Measures

Date included in this draft is derived from 2016/17 returns a revised position will be agreed on the basis of 2017/18 Month 9 figures and to reflect the new Care Model.

Performance Measures from the Adult Social Care Outcomes Framework (ASCOF), Better Care Fund (BCF) & Local Indicators 2016/17		Torbay and South Devon NHS Foundation Trust																		
Domain & BFI	Frequency / work / year	2016/17 Performance Description	2014/15 Target	2015/16 Target	2016/17 Target	2014/15 Engaged Average	2015/16 Engaged Average	2016/17 Engaged Average	2014/15 SW Average	2015/16 SW Average	2016/17 SW Average	2014/15 CO Average	2015/16 CO Average	2016/17 CO Average	2014/15 Bank	2015/16 Bank	2016/17 Bank	2014/15 Quanta	2015/16 Quanta	2016/17 Quanta
Domain 1: Enhancing quality of life for people with care and support needs	ASCOF	Achieved target	15.4	15.2	15.4	15.1	15.1	15.1	15.2	15.3	15.3	15.4	15.4	15.4	277251	147200	47251	04	04	04
ASCOF 1A: Social care-related quality of life	ASCOF	Achieved target	15.4	15.2	15.4	15.1	15.1	15.1	15.2	15.3	15.3	15.4	15.4	15.4	277251	147200	47251	04	04	04
ASCOF 1A:1: The proportion of people who use services who have control over their daily life	ASCOF	Achieved target	80.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	79.0%	137251	137200	9751	04	04	04
ASCOF 1A:2: The proportion of people using social care who receive self-directed support (adults aged over 18 receiving self-directed support)	ASCOF	Achieved target	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	03	03	03
ASCOF 1A:3: The proportion of people using social care who receive self-directed support (adults receiving self-directed support)	ASCOF	Achieved target	79.0%	80.0%	80.0%	77.0%	77.0%	77.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	137251	137200	104750	02	02	02
ASCOF 1A:4: The proportion of people using social care who receive direct payments (adults receiving direct payments)	ASCOF	Did not achieve target	77.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	80.0%	80.0%	80.0%	03	03	03
ASCOF 1A:5: The proportion of people using social care who receive direct payments (adults receiving direct payments)	ASCOF	Did not achieve target	77.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	80.0%	80.0%	80.0%	03	03	03
ASCOF 1A:6: The proportion of people using social care who receive direct payments (adults receiving direct payments)	ASCOF	Did not achieve target	79.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	02	02	02
ASCOF 1A:7: Care-reported quality of life	ASCOF	Did not achieve target	8.3	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	04	04	03
ASCOF 1A:8: Proportion of adults with a learning disability in paid employment	ASCOF	Did not achieve target	3.8%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	02	02	02
ASCOF 1A:9: Proportion of adults in contact with secondary mental health services in paid employment (commissioned outside ICS)	ASCOF	Did not achieve target	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	01	01	01



**Appendix 6: Trust Wide Improvement and Savings Plans – to follow once endorsed via ASCPB**

The table below summarises Trust and System wide savings workstreams and projects where they impact on Adult Social Care and Unit Cost Improvement

TO BE INSERTED BY ICO

# Appendix 4: Summary of the Adult Social Care Outcomes Framework for Torbay

January 2017 **UPDATED VERSION TO BE INSERTED POST MONTH 9**

SUMMARY OF THE ADULT SOCIAL CARE OUTCOMES FRAMEWORK FOR TORBAY (JAN '17)									
Indicator	Time period	Count	Torbay value	Comparison group average	England average	Unit of measure	Trend	Trend guide	
1A: Social care-related quality of life score	2015/16	359	19.7	19.3	19.1	%		Higher is better	
1B: The proportion of people who use services who have control over their daily life	2015/16	401	81.5	79.1	78.6	%		Higher is better	
1C(1): Proportion of people using social care who receive self-directed support	2013/14	3,155	62.8	57.2	61.9	%		Higher is better	
1C(2): Proportion of people using social care who receive direct payments	2013/14	790	15.7	15.1	19.1	%		Higher is better	
1C(1A): The proportion of people who use services who receive self-directed support	2015/16	1,294	93.6	96.0	86.9	%		Higher is better	
1C(1B): The proportion of carers who receive self-directed support	2015/16	308	83.4	79.3	77.7	%		Higher is better	
1C(2A): The proportion of people who use services who receive direct payments	2015/16	369	26.7	29.2	26.1	%		Higher is better	
1C(2B): The proportion of carers who receive direct payments	2015/16	308	83.4	67.9	67.4	%		Higher is better	
1D: Carer-reported quality of life	2014/15	345	8.3	8.0	7.9	%		Higher is better	
1E: The proportion of adults with a learning disability in paid employment	2015/16	15	3.9	5.7	5.8	%		Higher is better	
1F: The proportion of adults in contact with secondary mental health services in paid employment	2015/16	-	3.1	-	6.7	%		Higher is better	
1G: The proportion of adults with a learning disability who live in their own home or with their family	2015/16	263	70.1	76.4	76.4	%		Higher is better	
1H: The proportion of adults in contact with secondary mental health services living independently, with or without support	2015/16	-	63.2	-	58.6	%		Higher is better	
1I(1): The proportion of people who use services who reported that they had as much social contact as they would like	2015/16	395	49.4	47.0	45.4	%		Higher is better	
1I(2): The proportion of carers who reported that they had as much social contact as they would like	2014/15	370	41.5	38.9	38.5	%		Higher is better	
2A(1): Permanent admissions of younger adults (aged 18 to 64) to residential and nursing care homes, per 100,000 population	2013/14	25	36.4	16.3	14.4	Rate per 100,000		Lower is better	
2A(1): Long-term support needs of younger adults (aged 18-64) met by admission to residential and nursing care homes, per 100,000 population	2015/16	12	16.3	16.2	13.3	Rate per 100,000		Lower is better	
2A(2): Permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population	2013/14	205	614.1	729.3	650.8	Rate per 100,000		Lower is better	
2A(2): Long-term support needs of older adults (aged 65 and over) met by admission to residential and nursing care homes, per 100,000 population	2015/16	178	513.0	707.5	638.2	Rate per 100,000		Lower is better	
2B(1): The proportion of older people (aged 65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services	2015/16	173	75.9	84.5	82.7	%		Higher is better	
2B(2): The proportion of older people (aged 65 and over) who received reablement/rehabilitation services after discharge from hospital	2015/16	228	4.4	3.4	2.9	%		Higher is better	
2C(1): Delayed transfers of care from hospital, per 100,000	2015/16	6	5.9	12.4	12.1	Rate per 100,000		Lower is better	
2C(2): Delayed transfers of care from hospital that are attributable to adult social care, per 100,000 population	2015/16	3	2.3	5.3	4.7	Rate per 100,000		Lower is better	
2D: The outcome of short-term services: sequel to service	2015/16	791	81.6	81.7	75.8	%		Higher is better	
3A: Overall satisfaction of people who use services with their care and support	2015/16	399	67.9	68.2	64.4	%		Higher is better	
3B: Overall satisfaction of carers with social services	2014/15	290	46.4	43.9	41.2	%		Higher is better	
3C: The proportion of carers who report that they have been included or consulted in discussion about the person they care for	2014/15	265	75.7	73.1	72.3	%		Higher is better	
3D: Proportion of people who use services and carers who find it easy to find information about services	2013/13	-	75.2	74.5	71.4	%		Higher is better	
3D(1): Proportion of people who use services and carers who find it easy to find information about services	2015/16	273	81.3	78.4	73.5	%		Higher is better	
3D(2): The proportion of carers who find it easy to find information about support	2014/15	265	74.9	68.7	65.5	%		Higher is better	
4A: The proportion of people who use services who feel safe	2015/16	399	72.3	70.6	69.2	%		Higher is better	
4B: The proportion of people who use services who say that those services have made them feel safe and secure	2015/16	390	85.2	88.0	85.4	%		Higher is better	

Notes:  
 ● Torbay value is statistically significantly higher or better than the England average  
 ● Torbay value is not statistically significantly different to the England average  
 ● Torbay value is statistically lower or worse than the England average  
 ● No statistical significance calculated

Source: NHS Digital, Measures from the Adult Social Care Outcomes Framework (ASCOF), England  
<http://www.content.digital.nhs.uk/catalogue/PUB21600>  
 Comparator group based on CIPFA nearest neighbours



**Appendix 5: Eligibility Criteria – to follow after consultation & agreement at ASCPB**

## Appendix 6: Strategic and Micro-commissioning functions

**Drafting Note: These are to be reviewed and approved via the ASCPB during 2018/19**

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust ASC function
<b>MICRO COMMISSIONING OF PROVIDERS, PROCUREMENT AND BROKERAGE</b>		
Develop and implement operational commissioning plans		✓
<b>STRATEGIC COMMISSIONING FUNCTION</b>		
Market shaping and developing new providers to fill gaps in provision and oversight of decommissioning plans	✓	
Market Position statement and Joint Strategic Needs Assessment	✓	
Market mapping	✓	
Gap analysis	✓	
Analysis of sufficiency of supply	✓	
Manage provider failures and market exits	✓	✓
Strategic Commissioning Strategy	✓	
Proactive strategy to develop the market as a whole	✓	
Market engagement with provider market as a whole	✓	
Run Multi Provider Forum for all providers with strategic themes	✓	
Joint commissioning arrangements with partner organisations and other areas	✓	
Lead on co-design of new service models with providers and stakeholders	✓	✓
Develop population outcome based commissioning approach for market	✓	
Develop and c-produce Payment by Results mechanisms that encourage sound outcomes	✓	
Co-ordinate user and carer engagement and consultation	✓	
Contract review and performance management of ASC	✓	
Review budget for ASC and sign-off cost improvement plans related to ASC	✓	
Overarching sub contracts between Trust and other ASC providers, e.g. Care homes, community care		✓
Prepare and agree individual service specifications		✓
Develop and monitor outcome based commissioning approach for each provider at service level	✓	✓
Develop personal outcome based commissioning for each service user		✓
Contract management & performance review of independent & voluntary sector including, grant funding		✓
Proactive quality assurance of individual providers including, develop/implement service improvement plans		✓

Function/role lead	Torbay Council Strategic Commissioning function	Torbay and South Devon Trust ASC function
Achieving value for money from providers including, cost improvement planning		✓
Procurement of ASC providers		✓
Manage provider failures and market exits including, for service users and relatives/carers involved		✓
Individual contracts for care packages		✓
Brokerage/purchasing processes and brokerage of individual care packages		✓
Direct payments and personal budgets		✓
Lead and manage safeguarding processes including, Whole Provider/Provider of concern/quality concerns		✓
Resolution of Safeguarding incidents and implementation of lessons learned		✓
Run and co-ordinate forums for specific provider areas with operational focus e.g. forums for care homes		✓
Collection, collation and regular reporting of data on need, demand, supply, cost, workforce and performance (Trust and sub-contractors) with interpretation and presentation		✓
Benchmarking of cost/performance of services – own and sub-contracted		✓
Management of pooled budget to achieve value for money and cost improvement		✓

## Appendix 7: Emergency Cascade

Adult Services Primary Contacts		
Name/Title	Emergency Role	
Frances Mason, Head of Partnerships, People and Housing	Communication with contracted providers of Care and Support for vulnerable people. Availability and co-ordination of needs assessment. Safeguarding vulnerable adults and serious case review including authorisation of deprivation of liberty under Mental Capacity Act.	
Joanna Williams, Deputy Director of Adult Social Services	The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding and support the running of the ASCPB. The role also oversees the Deprivation of Liberty Safeguards and Guardianship arrangements in Torbay.	
Adults Services Secondary Contacts		
Robin Willoughby, Lead AMHP	Assessment and placement, access to services, medication and packages of care and place of safety for older people with poor mental health	
Sharon O'Reilly, Manager Older Person Mental Health Team	Assessment and placement, access to services, medication and packages of care and place of safety for people under 65 with poor mental health.	

## **Appendix 8: Annual Audit Programme**

### Background

For Torbay Council, Internal Audit is a statutory service in the context of The Accounts and Audit (England) Regulations 2015.

From April 2013, organisations in the UK public sector are required to adhere to the Public Sector Internal Audit Standards (the Standards). Internal Audit for Torbay & South Devon NHS Foundation Trust is delivered by Audit South West.

### Internal Audit Plans

When preparing the internal audit plan for Torbay and South Devon NHS Foundation Trust it is expected that Audit South West will:

- Consider the risks identified in Torbay Council's strategic and operational risk registers that relate to Adult Services;
- Discuss and liaise with Directors and Senior Officers of Torbay Council regarding the risks which threaten the achievement of the Council's corporate or service objectives that relate to Adult Services, including changes and / or the introduction of new systems, operations, programs, and corporate initiatives;
- Take account of requirements to support a "collaborative audit" approach with the external auditors of Torbay Council;
- Consider counter-fraud arrangements and assist in the protection of public funds and accountability;
- Support national requirements, such as the National Fraud Initiative (NFI) which is run every two years.

Draft plans, showing proposed audits covering Adult Services should be shared and agreed with Torbay Council's Director of Adult Services (DAS). The DAS should also be made aware of planned audit reviews that will provide overall assurance that control mechanisms operated by the Trust, but that are key to the workings of Adult Services, are working effectively (e.g. audits of key financial systems (payroll, payments, income collection etc.), and corporate arrangements (e.g. procurement, information governance etc.)).

The Audit Plan will not be a "tablet of stone" and changes may be required or advised during the year.

### Internal Audit work

Internal audit work should be completed in accordance with the PSIAS. Proposed briefs for work covering ASC should be shared with the DAS prior to fieldwork commencing.

### Reporting – Assignments

The DAS will be provided of copies of all final reports that specifically relate to Adult Services. The DAS will also be provided with early sight of draft reports for which the audit opinion is "fundamental weaknesses" or similar. The Director of ASC will also be

provided with copied of final audit reports for wider subject areas (e.g. payroll) where the audit opinion is "fundamental weaknesses" or similar.

### Reporting – Annual Report

Audit South West will provide the Council with an annual assurance report on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services. It is noted that this assurance can never be absolute. The most that the internal audit service can do is to provide reasonable assurance, based on risk-based reviews and sample testing, that there are no major weaknesses in the system of control.

The report should provide:

- A comparison of internal audit activity during the year with that planned, placed in the context of Adult Services;
- A summary of significant fraud and irregularity investigations carried out during the year and anti-fraud arrangements; and
- A statement on the effectiveness of the system of internal control in meeting the Council's objectives.

Together with a summary of the performance indicators set for internal audit and performance against these targets.



## **Appendix 9: Risk Share Agreement (RSA2)**

See separate document

## Appendix 10: List of Improved Better Care Fund Schemes Approved by BCF Working Group

Project Name	Approved
Extension of TSDFT Care Home Education and Support Team (CHEST) (DPT- note also apvd by DCC)	Approved - with conditions
Mental Health and DPT (MSB)	Approved
Proud to Care South West	Approved
Leadership development in care homes	Approved
Development of the out of hospital care system	Approved
IPC	Approved
Transition Worker	Approved
Health Care Videos	Approved
Market Analysis for Care Homes (see also Transformation Funding)	Approved
LD Peer Review	Approved
Non-injured fallers	Approved
City & Guilds Accreditation	Approved
Low Cost Packages / Eligibility Criteria - Age UK	Approved