



REPORT TO: MORAY COUNCIL ON 6 APRIL 2022

SUBJECT: PROPOSED DELEGATION OF CHILDREN AND FAMILIES AND JUSTICE SOCIAL WORK

BY: CHIEF OFFICER, MORAY INTEGRATION JOINT BOARD

1. REASON FOR REPORT

1.1 To ask the Council to consider the outcomes of the business case on the proposed delegation of Children and Families and Justice Social Work to the Moray Integrated Joint Board (MIJB).

1.2 This report is submitted to Council in terms of Section II (22) of the Council's Scheme of Administration relating to alterations to the Moray Integrated Joint Board (MIJB)

2. RECOMMENDATION

2.1 It is recommended that The Council:

- (i) consider and approve the Business Case for delegation of Children's and Families and Justice Social Work Service to MIJB attached as Appendix 1;**
- (ii) note that the Business case is being submitted to MIJB and Grampian NHS Board for their respective approvals;**
- (iii) agree that financial accountability for the service remains with the Council for a period of 18 months up to 31 March 2024;**
- (iv) agree that Officers enter into dialogue with the Scottish Government (as the statutory approval body) over the formal amendments required to the Integration Scheme to enable the delegation; and**
- (v) note the final version of the Scheme will come to a future meeting of the Council for approval.**

3. BACKGROUND

- 3.1 The Scottish Government National Performance Framework sets out the ambitions of the Scottish Government underpinned with the values of treating all people with kindness, dignity, and compassion; with respect for the rule of law; and to act in an open and transparent manner. The national outcome most relevant to Children and Families and Justice Social Work is that people grow up loved, safe and respected so that they realise their full potential. This includes a requirement to understand the lifelong impact of children being placed into care.
- 3.2 Improving outcomes for our most vulnerable children and families, to meet the ambitions contained in the National Performance Framework, our Moray Children's Services Plan 2020-23, and the Independent Care Review's "The Promise", requires a shift in approach of how we work with families to one which focuses on family strengths and assets, recognising the enduring and lifelong nature of family relationships which need to be nurtured and enhanced. There was a recognised need for improvement and transformation, and this is underway.
- 3.3 In Moray there was recognition of a need for improvement and transformational change within Children's Social Work. The Care Inspection in 2016 pointed towards a need for radical improvement. National Benchmarking Data showed Moray did not compare well with comparator local authorities and an agreement was made for the reinvestment of savings to achieve sustained and robust change and improvement, which is underway.

Data from the most recent benchmarking 2019-2020*

2019-2020	Moray comparison score out of 32 Local Authorities (1 being the best)
Cost of residential care	29/32
Children looked after in kinship and foster care	25/32
Balance of care being weighted towards non-family placements	31/32
Children who have had more than one placement	29/32

* 2020/21 results for children and families are always later than the initial publication as not made public by Scottish Government until May so are added in at a later date so comparisons for 2019/20 are the most current we have until that update in a couple of months.

Management Structure

- 3.4 On 25 September 2019 (para 5 of the minutes refers) the Council approved the revised management structure that would ensure the continuity, stability and availability of strategic leadership and direction to meet the challenges of the future as efficiently and effectively as possible with the flexibility to meet future requirements. The agreed management structure showed Children and Families and Justice Social Work services moving under the direct oversight of the Head of Service and Chief Social Work Officer within the Moray Integration

Joint Board (MIJB). The Council restructure saw the deletion of the Head of Service post for Children's and Families and Justice services; however, this post has remained as an interim position whilst the propriety work for delegation continues, with a recognising that Children and Justice Social Work services require robust and assured leadership.

Progress Updates

- 3.5 Progress updates were presented to Moray Council on 27 November 2019 (para 22 of the minute refers) and NHS Grampian on 5 December 2019 (para 11 of the minute refers) where both parties agreed to proceed to the next steps of assessing the various gateways and milestones of the potential delegation of Children's Social Work and Criminal Justice to the MIJB. It was anticipated that the work required for the transfer would take between 12-18 months with an initial target date for any delegation of 1 April 2021.
- 3.6 Progress updates were presented to the MIJB on 28 May 20 (para 12 of the minute refers) and on 1st July 20 (para 8 of the minute refers) Moray Council Emergency Cabinet noted the position statement on Children and Families and Justice Social Work, including an overview of the National Context; the Local Context; The Independent Care Review; the current position in Moray; rationale for transformational change; and delegation of services to Moray Integration Joint Board. The MC Emergency Cabinet agreed to note the working being carried out to make improvements to the service and to continue with the programme which would seek agreement at a future date to delegate services to the MIJB.
- 3.7 Further updates were presented to the Moray Council on 30 June 21 (para 11 of the minutes refers) noting the work being carried out by the Programme Board which focused on both development of the service and the business case for where the service is best aligned.

Programme Board

- 3.8 The Programme Board was inaugurated on 16 November 2020 with the purpose being to lead and provide strategic direction in relation to the potential delegation and modernisation of Children and Families and Justice Social Work, and potential delegation to the MIJB in line with national policy, legislation, and local requirements. This was noted by Council on 16 December 2020 (para 10 of the minutes refers).
- 3.9 The delay in establishing the Programme Board was due to the disruption from the Covid-19 pandemic. Lock down began March 2020 with the focus for Local Governments and NHS Boards to deliver essential services and support the delivery of widespread public health measures. As the virus began circulating, vaccination programmes became a priority followed by the third wave fuelled by a new Delta variant in July 2021. Most recently NHS Grampian entered Operation Iris in November 2021 until April 2022 to manage demands placed on the system by Covid-19, This contributed to the loss of momentum and slowed the progression to undertake the necessary due diligence required to progress with delegation of children and families and justice social work.
- 3.10 The remit of the Programme Board was to provide a joint forum for discussion amongst key partners and stakeholders regarding delegation whilst offering support and scrutiny to aid a decision for all parties to agree on taking forward a proposal around delegation. The ambition of the Programme Board was to aim

for the Integration Scheme to be laid before Scottish Ministers and approved by 1 April 2022. This would be subject to agreement by Moray Council, NHS Grampian and MIJB. However, this timeline was revised given competing priorities across the whole system.

- 3.11 The focus of the Programme Board has been to identify and monitor the risks and issues associated with the potential delegation and to identify the key benefits of delegating Children and Families Social Work and Justice Social Work into the MIJB. The Board received a suit of papers including a problem statement, project Initiation document, draft benefits realisation plan and risk register, along with a comprehensive update backed by a data set on the progress the Children and Families and Justice Social Work were achieving. The subsequent development of a business case including options appraisal formed part of the additional works required to aid the recommendation from the Board of the statutory decision makers.

Service Finances

- 3.12 The Children and Families and Justice Social Work service currently has a budget in 2021/22 of £19.5 million with a forecast underspend of £2.0 million. The Service employs 114 FTE staff.
- 3.13 A reinvestment of savings of £0.8 million was agreed at Educations, Children's Services and Leisure Committee on 26th January 2022. This enabled significant system change within Children and Family's Social Work with a number of key areas developed to sustain and develop improvements. When setting the budget for 2022/23, the Council also agreed budget savings of £0.8 million from the Service in 2022/23 and indicative savings of £0.4 million pa from 2023/24 to 2025/26. The agreed base budget for the service in 2022/23 is £18.45 million (including an element part of which will remain with the Council) and this will be increased to cover pay awards and contract uplifts as and when these are agreed.
- 3.14 Officers have been working on financial due diligence for the proposed delegation in recent months. There are still two areas of the Education budget, totalling £7 million, where the split of funding between the element that would transfer to MIJB and the element that would remain with the Council needs to be finalised. It is anticipated that this work will be completed before final sign off of amended Integration Schemes by the Council and NHS Grampian in July and August. Currently no issues have been identified from the financial due diligence work that would prevent agreement to delegate.
- 3.15 Given the scale of the transfer, Finance Officers recommend that assuming a delegation date of 1st October 2022 that financial accountability for the service remains with the Council for a period of 18 months up to 31st March 2024. If delegation took place, this would mean that operational responsibility for the service would sit with MIJB but any financial variance against the budget (whether an underspend or overspend) would remain with the Council. This transitional period would allow the service to become embedded within MIJB without MIJB or NHS Grampian being exposed to undue financial risk over the initial period of the transfer.

Business Case

- 3.16 The Business Case for the delegation of Children and Families and Justice Social Work including an option appraisal is attached in **Appendix 1** to this

report. A draft version of the Business Case was considered by the Programme Board in June 2021 and their feedback has been incorporated.

- 3.17 The aim of the Business Case was to provide the opportunity to undertake a comprehensive analysis of the preferred option, for the delegation of Children and Families and Justice Social Work to the MIJB. The two viable options included: Option 1, to delegate Children and Families and Justice Social Work to the MIJB alternatively Option 2, to reposition Children and Families social and Justice Social Work into the Council structure.
- 3.18 The Business Case has been developed with the input from a number of senior colleagues across NHS Grampian, Moray Council and Health and Social Care Moray, as well as other Integrated Authorities who have already delegated Children and Families and Justice Services. It also sets out the complex landscape of joining national and local policy to providing best outcomes for children and families to meet statutory responsibilities within a Moray context.
- 3.19 The Business Case acknowledges that there is no consistent approach across Scotland regarding which services are delegated but it recognises the National Care Service consultation responses which highlights the benefits to the services sitting within one structure, endorsing the view that the direction of travel in Moray is comparable to the national picture.

Children Transformation Plan

- 3.20 There is a recognition that professional alignment between adult and children social work would improve several key areas, including substance misuse and mental health work, transitions – particularly for children and young people with disabilities, SDS and people with care experience. It would also afford opportunities for efficiencies and allow a more coherent professional development across the social work workforce, with training and development on human rights and the protection of adults and children being a common practice theme across all areas of social work.
- 3.21 A reinvestment of savings was agreed at Educations, Children's Services and Leisure Committee on 26th January 2022. This enabled significant system change within Children and Family's Social Work with a number of key areas developed to sustain and develop improvements, particularly around prevention of care, policy development, child protection and creating a relational practice model.

4. KEY MATTERS RELEVANT TO RECOMMENDATION

- 4.1 The Programme Board has agreed the Business Case and the rationale to delegate Children and Families and Justice Social Work, which is primarily to improve outcomes for children and families, and also to meet the ambitions contained in the National Performance Framework, Moray Children's Services plan 2020-23, and the Scottish Independent Care Review – The Promise. The transformation of Children Social Work is underway with evidence of savings and improvement.
- 4.2 There is a recognition that professional alignment of Social Work Services across the Partnership would improve a number of key areas and allows for an aligned approach to complexities around mental health and parental substance misuse and offending (including domestic violence), transitions, particularly for

children and young people with disabilities, Self-Directed Support (SDS) and to meet statutory responsibilities towards individuals with care experience. It would create efficiencies and synergised professionals' development across Social Work Services. A commitment for improvement has been made across the Partnership, with a shared model of support in the 3 conversation Model, a relational, asset-based approach.

- 4.3 The extended timeline to reaching a formal decision was due to competing priorities but recognised the need for satisfactory due diligence to take place so that officers had full confidence in recommending the delegation of services to MIJB.
- 4.4 The aim is for Moray Council, NHS and MIJB to agree to the delegation services with the intent for the process to be completed by October 2022. A copy of the indicative timescale is attached at **Appendix 2**.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Plan "Moray Partners in Care 2019 – 2029"

Moray Council Corporate Plan 2020-23 outlines its ambitions to support children and families and communities

(b) Policy and Legal

Legal resource is required to undertake any due diligence for amending the Integration Scheme, and that process is ongoing. This will be assisted by Brodies Solicitors and the indicative timescale is accepted with the caveat that the Scottish Ministers lead time to sign off the amended Scheme of Integrate may vary according to their priorities.

The Children and Young People (Scotland) Act 2014 (Part 3) sets out a legal framework for children's services planning, including its scope and aims.

(c) Financial implications

In preparation for the delegation of additional functions to the MIJB it will be necessary for the MIJB to obtain assurance that financial resources are adequate to allow it to carry out the functions delegated and to assess the risks associated with this. The MIJB Chief Finance Officer will work with both the Council Section 95 Officer and the Health Board Director of Finance in establishing the required assurance.

(d) Risk Implications and Mitigation

To continue at pace, the scale of this work should not be underestimated. Financial due diligence and workforce engagement is essential to a successful transition. There is a high risk if we are unable to gain agreement from all 3 bodies to delegate. Through the business case it has been recognised that children and families and criminal justice services has a good fit best for with adult services. If delegation does not proceed this will have implications for the escalation of the costs of services, not only for opportunities for efficiencies and professional development across the social work workforce, but more importantly the

lost opportunity for an improved workforce alignment which will offer better outcomes for our most vulnerable children and families.

(e) Staffing Implications

Once a formal decision has been made any proposals for change to team structures and lines of responsibility will be documented through a change management plan including consultation with relevant parties, including our staff and unions.

(f) Property

No property issues identified at this point.

(g) Equalities/Socio Economic Impact

Not required at this point.

(h) Climate Change/Biodiversity Impact

None arising from this report

(i) Consultations

Chief Executive, Chief Finance Officer both NHS Grampian, Chief Financial Officer MIJB, Chief Executive, Chief Social Work Officer;, Head of Governance, Strategy and Performance, Tracey Sutherland, Committee Services Officer; Head of Financial Services, Head of Children's and Families and Justice Social Work all Moray Council have been consulted.

6. CONCLUSION

6.1. The Business case supports the decision of the Programme Board to recommend the delegation of Children and Families Social Work and Criminal Justice Services to MIJB. There is a clear understanding of the services which are lawful to delegate whilst recognising further work is required for final financial due diligence and to support the development and implementation of a change management plan.

6.2. When approvals from all three bodies (NHS Grampian, Moray Council, MIJB) are gained, a further report will be presented with the amendments to the Scheme of Integration for final approval.

Author of Report: Simon Bokor-Ingram, Chief Officer MIJB

Background Papers: With Author

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