



Call in Request Form

This form is to be completed and signed by any Member of the Council, with the support of at least 3 other Members and must be returned to Democratic Services at committees@norfolk.gov.uk within 5 working days of the Cabinet decisions being published or, if the decision has been taken by an individual member or Chief Officer, within five working days of the decision being published under the Access to Information Procedure Rules in Appendix 13 of the Constitution. Where education matters are involved, the Parent Governor and Church representatives together count as one Member.

Please telephone the Assistant Director of Governance on 01603 222949 or Democratic Services Manager on 01603 228913 to make them aware that the call-in form is on its way. You will receive a confirmation email once it has been received.

A Call-In request will only be valid if it has been received in person (by email) by the above people within the 5 working day deadline which will be specified in the decision letter.

Please note that the call-in procedure does not apply to urgent decisions.

Decision Title and minute number
ASSD Service Review – Transformation and Prevention in Adult Social Care Agenda Item 8

Decision taken by (i.e. Cabinet, Cabinet Member, Chief Officer)
Cabinet

Date of Decision
12.01.2022

	Reasons for call in	Highlight which of the following apply and explain why you consider the process/principle has not been followed by the decision maker (as appropriate)
1.	The decision is not in accordance with the budget and policy framework	<p>The Adult Social Care Strategy (currently “Promoting Independence”) is part of the policy framework. The Leader in Cabinet described this item as ‘a major strategic decision for the council’.</p> <p>As a major strategic decision it should be taken by Council whether or not it aligns with or changes the main elements and priorities of the strategy previously adopted by the Adult Services Committee in June 2017.</p> <p>The involvement of Newton Europe has been described as a partnership. Nowhere in the existing strategy is there any policy of outsourcing delivery or governance of Adult Social Care as is implied by a partnership.</p>

		<p>Governance is one of the outstanding issues from this decision. Of itself that is contrary to the existing policy framework policy.</p> <p>This decision is, as the Leader confirmed, a major strategic policy decision and forms part of the policy framework. It should therefore be taken by Council not Cabinet.</p> <p>The Adult Social Care Strategy is part of the Major Policy Framework and it is for Full Council to agree any changes to the policy itself (Constitution, Art 4). The current Adult Social Care Strategy is the Promoting Independence Strategy. This was agreed by the Adult Social Care Committee on 19 June 2017. At this time the Council did not operate the Executive style of governance, and therefore this Committee had delegated powers of Council and could approve policies without them also having to be approved by Full Council. The Strategy has not been rewritten since then and remains essentially the same.</p> <p>Describing this as a “major strategic decision for the council” does not mean that it changes the Promoting Independence Strategy. The partnership with Newton Europe is intended to address how the department works operationally to deliver the Strategy, not to change the strategy itself.</p> <p>It is likely, as the work progresses, that changes to the Adult Social Care Strategy may emerge, if they do the proposed changes will be developed in the usual way, involving Select Committees as appropriate, and with any revised policy being presented to Full Council for debate and approval.</p> <p>The involvement of Newton Europe is considered to be a “partnership”, but this does not imply that it is intended to outsource delivery or governance of Adult Social Care. As is stated through the report, it is the intention that Newton Europe will work with and alongside Adult Social Services, the work will not be “outsourced” to them and governance will remain the responsibility of the department.</p> <p>The decision that was taken by Cabinet was to agree to the aims and objectives of the next phase of promoting independence (which is consistent with the existing strategy), to agree to work with the internal Strategy & Transformation Team, and crucially to agree to the engagement of Newton Europe. None of these are decisions that are the responsibility of Full Council, and the decisions were properly made by Cabinet.</p> <p>The decision made are supported by the strategic ambitions of the Norfolk County Council’s corporate</p>
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		strategies. Norfolk Working Better Together in 2019 and Better Together for Norfolk 2021.
2.	The decision is a key decision and it has not been taken in accordance with the Constitution.	See above. As a major strategic decision amounting to a policy in the policy framework the decision must be taken by full Council. Key decisions are executive decisions. This was a key decision and was properly taken in accordance with the Constitution. As set out above, it is not a decision for Full Council.
3.	There is evidence that the principles of decision-making (as set out in Article 12 of the Constitution) have not been complied with. These principles are:	
	a) Actions agreed will be in proportion with what the Council wants to achieve.	
	b) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by Officers.	The following points are in addition to the non-compliance with constitutional provisions above. 1. The People and Communities Select Committee have not been consulted on the decision to procure external partners for the next stage of the Council's "Promoting Independence Strategy". This was described by the Leader at the cabinet meeting as 'a major strategic decision for the council'. The progress of this strategy has not been reported in to the Select Committee in the last two years since its formation. There is no obligation to involve the Select Committee in the decision to engage with Newton Europe. The role of the Select Committee is to assist in the development of policy, and their role is to be involved as the policy is developed, which will be at a later date. 2. Paragraph 5.6 sub paragraph iv of Article 5 of the Constitution states that the role of Select Committees is to develop policy framework and review performance in relation to policy objectives and targets. This has not been done. The policy has not been changed, so this does not apply. 3. Engaging the Select Committee on this would enable better democratic oversight of the strategy to date and to consider the appropriateness of engaging consultants or partners, the evidence for doing so, their terms of reference and methods for ensuring accountability and transparency. The effectiveness of Newton Europe's work with Councils in Leicestershire needs due consideration based on reports last month that over 2,500 residents in that county are

		<p>awaiting assessments of their social care needs, despite implementing a Target Operating Model designed with Newton Europe.</p> <p>The Select Committee will be involved in any proposed changes to the Policy, this work at this stage is about operational delivery not policy change. Adult Social Services have considered Newton's work in Leicestershire, and have spoken with counterparts, and have a different view of the success of that work from that discussed in the media.</p>
	c) Decisions will reflect the spirit and requirements of Equalities and Human Rights legislation.	<p>The EqiA identifies that the outcomes for people with protected characteristics are unknown and the report fails to consider this.</p> <p>The report contains a detailed EqiA. It is clear that new ways of working may have an impact, and that until the new ways of working have been determined, a meaningful EqiA is hampered. The report goes on to say in detail in sections 3 and 4 of the EqiA in particular, that recommendations will ensure that service changes do not directly or indirectly discriminate against any individual with protected characteristics (para 4.1 of the EqiA).</p>
	d) The presumption that information on all decisions made by the Council, the Executive and Committees should be public with only those issues that need to be exempt by virtue of the Access to Information Rules will be taken in private.	<p>Insufficient detail has been provided on the nature of the diagnostics, the methodology used, monitoring outcomes and the evaluation process.</p> <p>The diagnostics are explained in section 8.2 of the report, and in Appendix A of the document. There is sufficient detail in the report for the purpose of the recommendations that Cabinet was asked to approve.</p>
	e) Decisions will be clear about what they aim to achieve and the results that can be expected.	<p>The report fails to provide detail regarding the length of the contract and when the impact of the targeted operating model will be reviewed in order to pay the consultants.</p> <p>The payment arrangements are detailed in sections 6.3 to 6.5 The arrangement is not for a fixed period of time, although the programme is anticipated to last for 18 months. The contract will last for 24 months - this will allow the Newton team to return to Norfolk to conduct 'health checks'. They are not paid on an hourly, daily, or any other time-based rate, their payment is based on results, as set out in the report, and they will work with us until the savings are capable of being delivered.</p> <p>The report is unclear about the nature of the project and whether Newton Europe have been procured as a private partner or a consultant.</p> <p>We do believe the report explains the project but are happy to answer any specific questions that members</p>

may have. It is clear that the report is asking for a contract to be awarded to Newton. The distinction between “private partner or consultant” is unhelpful – we are clear that we are contracting with Newton to work closely and “in partnership” with Adult Social Services officers. The reason that both Norfolk and Newton frequently use the terminology of ‘partnership’ is to stress the nature of the working relationship and how it will look and feel to both sides. It is about working in a collaborative way. The use of the word ‘partnership’ should not be taken to imply that Norfolk will be outsourcing any kind of decision-making power to Newton in the way our service will look for residents, nor in the actual delivery of services.

The report suggests that insufficient work has been undertaken to map quality assurance. For example, although paragraph 6.7.1. of the report states “A rigorous and robust methodology for tracking and assuring benefit delivery will be developed” it does not say by whom, when or what oversight there will be by Councillors or service users.

This is about operational delivery. Oversight will be by leaders in the department, and through the usual methods of oversight by councillors including oversight by cabinet and scrutiny. The reason for describing this as a future state is such that the tracking and assurance of the programme can be developed and done in a way that is appropriate to Norfolk’s governance (as opposed to a one size fits all approach). The principles are that benefits monitoring governance will be established at the outset of programme, to include finance and performance colleagues. It is not necessary for there to be oversight of operational delivery by service users, although as the report is clear, (for example at page 73 point 3) that there will be community co-production to involve service users where appropriate.

The report fails to address in detail the impact of the implementation of the ICS on service delivery from July 2022 and how this will impact the service redesign.

This is an unknown as the ICS system and legislative framework is still being developed. The service delivery will be redesigned taking this developing feature into account and will form part of the redesign. The programme will set NCC up positively for the impact of implementation of the ICS. The work proposed aligns to our existing ASC vision – promoting independence, living well, and changing lives. It is also consistent with the nature of future implementation of the ICS in so much that it will focus on supporting people, creating resilient communities, fostering greater independence, building a strong preventative offer, and ensuring efficient and effective reablement and intermediate care services.

As such, the transformation will support the council's demand pressures and aspirations for adult social care, but also put us in a position of strength to benefit from working collaboratively through an ICS.

The proposal will be “based on the evidence and lived experience of our staff, managers and leaders” (page 73 of the Cabinet Agenda papers) rather than those of service users. This is a failure in the Council's commitment to engage with service users despite assurances to the contrary.

Bullet point 3 on the same page (73) makes it very clear that there will be community co-production “working with communities and our service users, carer and community leaders to help develop the communities our people live in”.

The outcomes and lived experience of Norfolk's service users are central to this programme. They sit at the heart of evidence gathered through the diagnostic and that will continue through design and implementation of any changes.

Service users will be engaged appropriately throughout alongside voluntary organisations, and providers. The process for designing the changes will firmly see frontline practitioners (as those with core knowledge of our residents and communities) empowered to influence how these vital services are delivered.

The staff resource implications require clarity. A service redesign will require the time of Norfolk County Council frontline staff and there is no information or assurance that time dedicated to this project will be appropriately backfilled. This could leave staff with higher workloads in an already stressful environment and/or have further impact to service delivery.

It is not intended that this work will divert frontline staff such that “backfilling” will be required. Adult Social Services has a culture of continuous improvement, and redesigning the service will, as far as possible, be part of business as usual, with additional capacity being delivered by the Newton Europe support. It is not intended that there will be significant impact on frontline staff.

As with the approach to the diagnostic, the approach to the programme will be sensitive to the staffing pressures. It will consider how staff are engaged, in what way, and how we enable them to feel fully part of leading this important change programme.

There will be staff involved who would be involved in any council transformation as part of their day-to-day roles – for example finance, BI, the Promoting Independence programme team etc.

		<p>The full design and implementation process, in terms of testing and making changes at the frontline, will engage frontline staff in a 'live' environment. As such, the work they will be doing will be consistent with their BAU work and not result in case backlogs.</p>
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<p>Detailed reasons for call in or any additional information in support of the call in that you wish to submit</p>
<p>As above</p>

<p>Please use the space below to add any further comments. You may wish to consider:</p> <ul style="list-style-type: none"> • The outcome you would like to see as a result of this decision being called in • Any further information that the Scrutiny Committee might wish to consider when assessing this call in.* • Any Cabinet Members/Officers you would like to attend the meeting.* <p>* Please note this will be at the Chair of Scrutiny Committee's discretion</p>
<p>This is not a decision for Cabinet as it falls within the policy framework and should be a recommendation from Cabinet to full Council.</p> <p>Notwithstanding this, the proposal should be considered by the People and Communities Select Committee with their comments reflected in the Cabinet recommendation to Council.</p> <p>The principles of coproduction should be applied to developing the policies not just the delivery of services. Cabinet should engage with services users and user groups and include the benefit of their lived experience in recommendations to council</p> <p>Further information required about:</p> <ul style="list-style-type: none"> - actual resource draw in engaging front line staff in process and back fill of lost hours - diagnostic methodology and the report providing the evidence for the decision - details of engagement with partners, comments sought and received from councillors not on cabinet <p>Those we would like to attend</p> <p>Cllr Borrett – Cabinet Member for Adult Social Care, Public Health and Prevention James Bullion – Executive Director of Adult Social Services Paul Cracknell – Executive Director of Transformation and Strategy</p> <p>We would also ask the chair to extend invitations to the Chair of the People and Communities Select Committee and the ASC Performance Review Panel. Whilst they are not directly involved in the decision, their committees are bound to be mentioned and it would be courteous to invite them.</p> <p>We would also ask that an opportunity be provided to a selection of service users and user groups to express a view to the Scrutiny Committee.</p>

Although it is not a constitutional requirement you are advised to speak to the Chair of Scrutiny Committee before submitting your call in. If you wish to record any comments from the Chair please insert them below

The contents of the call in have been discussed with the chair of the Scrutiny Committee

Name (please print)	Signature	Date
Brenda Jones	<i>Brenda Jones</i>	18.01.2022

In accordance with the Constitution you must sign this form and obtain the signatures of at least three other Members of the Council:

Name (please print)	Signature	Date
Emma Corlett	<i>Emma Corlett</i>	18.01.2022
Tim Adams	<i>Tim Adams</i>	18.01.2022
Maxine Webb	<i>Maxine Webb</i>	18.01.2022

I have considered the above call in and confirm that it is valid under the requirements of the Constitution.

I have considered the above call in and confirm that it is not valid under the requirements of the Constitution for the following reasons.

In coming to this conclusion, I have consulted the Chair of the Scrutiny Committee.

Signed by the Director of Governance and Monitoring Officer

Date

Please return to Democratic Services at committees@norfolk.gov.uk