

*Meeting:* **Scrutiny Commission**

*Date/Time:* **Wednesday, 30 April 2014 at 2.00 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Mr. S. J. Weston (Tel: 0116 305 6226)**

*Email:* **sam.weston@leics.gov.uk**

### Membership

Mr. S. J. Galton CC (Chairman)

Mrs. R. Camamile CC    Mr. A. M. Kershaw CC  
Dr. R. K. A. Feltham CC    Mr. P. G. Lewis CC  
Mr. S. J. Hampson CC    Mr. K. W. P. Lynch CC  
Dr. S. Hill CC    Mr. R. J. Shepherd CC  
Mr. Max Hunt CC    Mr. L. Spence CC

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leics.gov.uk/webcast> – Notices will be on display at the meeting explaining the arrangements.**

### AGENDA

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 26 March 2014.	(Pages 5 - 10)
2. Question Time.	
3. Questions asked by members under Standing Order 7(3) and 7(5).	
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	
6. Declarations of the Party Whip in accordance	



with Overview and Scrutiny Procedure Rule 16.

7. Presentation of Petition: Request for children to be allowed to continue their education at their local County Catchment Secondary School with transport costs provided where this falls outside the 3 mile distance.

A petition signed by 1385 residents is to be presented by Mr. L. Yates CC as local member for Glenfields.

8. Leicestershire County Council Strategic Plan 2014-18. Chief Executive

A copy of the Cabinet report to which this matter relates will be circulated to Commission members when it becomes available on 24 April 2014.

The Deputy Leader, Mr. J. B. Rhodes CC, has been invited to attend for this item.

9. County Council Transformation Programme. Director of Corporate Resources (Pages 11 - 36)

The Deputy Leader, Mr. J. B. Rhodes CC, has been invited to attend for this item.

The Director of Corporate Resources will deliver a brief presentation under this item.

10. Anti-Social Behaviour, Crime and Policing Act 2014. Director of Children and Family Services (Pages 37 - 64)

The Cabinet Lead Member for Community Safety, Mr. J. T. Orson JP CC, has been invited to the meeting for this item.

11. Home to School Transport Policy. Director of Environment and Transport

A copy of the related documentation for the further round of consultation on Home to School Transport Policy will be circulated to members of the Commission when it becomes available ahead of the meeting.

12. Date of next meeting.

The next meeting of the Commission is scheduled to take place on 4 June 2014.

13. Any other items which the Chairman has decided to take as urgent.

## **QUESTIONING BY MEMBERS OF OVERVIEW AND SCRUTINY**

Members serving on Overview and Scrutiny have a key role in providing constructive yet robust challenge to proposals put forward by the Cabinet and Officers. One of the most important skills is the ability to extract information by means of questions so that it can help inform comments and recommendations from Overview and Scrutiny bodies.

Members clearly cannot be expected to be experts in every topic under scrutiny and nor is there an expectation that they so be. Asking questions of 'experts' can be difficult and intimidating but often posing questions from a lay perspective would allow members to obtain a better perspective and understanding of the issue at hand.

Set out below are some key questions members may consider asking when considering reports on particular issues. The list of questions is not intended as a comprehensive list but as a general guide. Depending on the issue under consideration there may be specific questions members may wish to ask.

### **Key Questions:**

- Why are we doing this?
- Why do we have to offer this service?
- How does this fit in with the Council's priorities?
- Which of our key partners are involved? Do they share the objectives and is the service to be joined up?
- Who is providing this service and why have we chosen this approach? What other options were considered and why were these discarded?
- Who has been consulted and what has the response been? How, if at all, have their views been taken into account in this proposal?

### **If it is a new service:**

- Who are the main beneficiaries of the service? (could be a particular group or an area)
- What difference will providing this service make to them – What will be different and how will we know if we have succeeded?
- How much will it cost and how is it to be funded?
- What are the risks to the successful delivery of the service?

### **If it is a reduction in an existing service:**

- Which groups are affected? Is the impact greater on any particular group and, if so, which group and what plans do you have to help mitigate the impact?
- When are the proposals to be implemented and do you have any transitional arrangements for those who will no longer receive the service?
- What savings do you expect to generate and what was expected in the budget? Are there any redundancies?
- What are the risks of not delivering as intended? If this happens, what contingency measures have you in place?



Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 26 March 2014.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mrs. R. Camamile CC  
 Dr. R. K. A. Feltham CC  
 Mr. S. J. Hampson CC  
 Dr. S. Hill CC  
 Mr. Max Hunt CC

Mr. A. M. Kershaw CC  
 Mr. P. G. Lewis CC  
 Mr. K. W. P. Lynch CC  
 Mr. R. J. Shepherd CC  
 Mr. L. Spence CC

In Attendance:

Mr. J. T. Orson JP CC, Cabinet Lead Member for Transport (For Minute 82)  
 Mr. P. C. Osborne CC, Cabinet Lead Member for Community Safety (For Minute 83)

75. Minutes.

The minutes of the meeting held on 26 February 2014 were taken as read, confirmed and signed.

76. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

77. Questions asked by members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

78. Urgent Items.

There were no urgent items for consideration.

79. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. L. Spence CC declared a personal interest in respect of Item 8 as a school governor (Minute 82 refers).

Mr. P. G. Lewis CC declared a personal interest in respect of Item 10 as Company Secretary of Human Rights and Equalities, Charnwood (Minute 84 refers).

80. Declarations of the Party Whip.

There were no declarations of the party whip.

81. Presentation of Petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

82. Consideration of Options for Home to School Transport Policy.

The Commission considered a report of the Director of Children and Family Services, the Director of Environment and Transport and the County Solicitor concerning a commentary of some further options for Home to School Transport which had been put forward by the Liberal Democrat Group and by a member of the Scrutiny Commission at its previous meeting on 26 February. A copy of the report, marked "Agenda Item 8", is filed with these minutes.

The Chairman welcomed to the meeting the Cabinet Lead Member for Transport, Mr. P. C. Osborne CC. The Chairman indicated that he had been asked by the Lead Member if he could make an urgent statement to the Commission in relation to the Council's Home to School Transport Policy. The statement was as follows:

*"In light of the concerns raised, I would advise the Commission that I have spoken to the Leader with a view to the Cabinet considering a further round of consultation on a policy which would allow:-*

- *Transport to the nearest available school providing education for the appropriate age range transfer;*

*and/or*

- *Transport to the nearest suitable Leicestershire School.*

*In these circumstances, I think it would be helpful to await the outcome of that further consultation before the Commission responds to the Cabinet."*

With regard to the consultation the Commission was advised that it was the intention to seek the Cabinet's approval at its meeting on 1 April to conduct a further round of consultation and that any new consultation process would run from April to mid-late June. The Cabinet would then be asked to consider the outcome of this process and take a final decision on the matter at its meeting on 15 July. It was noted that, subject to the Cabinet's agreement to conduct a further round of consultation, this would necessitate an extra meeting of the Commission to consider the outcome of the consultation and make its views known to the Cabinet.

In response to a question, the County Solicitor stated that, in preparation for the new consultation proposals, officers at the County Council had made contact with officers at Oxfordshire County Council, which had recently agreed to implement a policy to provide free school transport for pupils attending their nearest available school within Oxfordshire.

The Chairman thanked the Cabinet Lead Member and officers for the statement and information now provided. Members of the Commission were of the view that the report to the Commission setting out a commentary on the options put forward had been superseded by the new information provided by the Cabinet Lead Member and it would not therefore be appropriate or productive to discuss its content.

It was noted that, prior to the Cabinet Lead Member's announcement, representations had been received and circulated to members of the Commission from an organisation called the "School Transport Policy Group" and The Market Bosworth School (a copy of each is filed with these minutes) and representatives from two schools had requested to speak at meeting. The Chairman felt that it would only be fair to continue to offer those who wished to do so the opportunity to express their views, despite the fact that the Council's position on a way forward for Home to School Transport had now changed significantly. Accordingly, the Chairman welcomed to the meeting Mr. Stuart Wilson, Co-Principal at The Market Bosworth School and Ms. Helen Tait, Chair of Governors at Fernvale Primary School who had given notice that they wished to address the Commission.

Mr. Wilson made a statement welcoming the new information provided by the Cabinet Lead Member for Transport and requesting that the alternative proposal put forward by The Market Bosworth School be considered as part of any future consultation exercise. Its proposal included the following key elements:

- A default position that all current transport eligibility areas (TEAs) continue to be frozen as they were currently;
- Any academy that changed its catchment area (or free school that was built) would not receive any additional transport eligibility other than the current frozen policy (which included a caveat for 'nearest school');
- Where two or more schools changed their age range within the same TEA (essentially creating overlapping catchment areas), then the 'nearest school' principle be used to create new TEAs for individual schools within the old TEA.

Ms. Tait made a statement on the ways in which the proposed policy would have a damaging effect on the long established feeder links and collaborative working arrangements between Fernvale Primary School and other schools in the "Oadby Development Group". In closing, Ms. Tait welcomed the statement made by the Cabinet Lead Member and the new proposal to consult on a policy which included transport to the nearest suitable school. A copy of Ms. Tait's full statement is filed with these minutes.

It was proposed by the Chairman, seconded by Mr. Lewis CC and carried:-

"(a) That the Commission welcomes the statement from the Cabinet Lead Member for Transport, stating his intention to seek the Cabinet's approval to consider a further round of consultation on a policy which would allow:

- Transport to the nearest available school providing education for the appropriate age range transfer

and/or

- Transport to the nearest suitable Leicestershire School;

- (b) That the Cabinet be urged to agree to consult on the proposals outlined in (a) above and that, subject to that gaining that approval, the Commission receive a further report at the appropriate time setting out the outcome of the further round of consultation.”

83. Draft Youth Justice Strategic Plan 2014/15.

The Commission considered a report of the Director of Children and Family Services concerning the Draft Youth Justice Strategic Plan 2014/15. A copy of the report, marked “Agenda Item 9”, is filed with these minutes.

The Director of Children and Family Services introduced the report by stating that the Youth Offending Service had followed the Supporting Leicestershire Families Service in moving from the Chief Executive’s Department to the Children and Young People’s Service. The report would continue to be considered by the Scrutiny Commission in future years in its capacity as “crime and disorder” scrutiny committee.

The Chairman welcomed to the meeting the Cabinet Lead Member for Community Safety, Mr. J. T. Orson JP CC, who stressed the good work that had been carried out in this area, despite the savings reductions that had been made.

Arising from a discussion on the Plan, the following points were noted:

- The Service was congratulated for its 68.3% reduction of first time entrants into the youth justice system;
- It was noted that the risk management section (set out in pages 51 to 53) did not presently include a scale of risk. It was noted that the higher the risk score given, the higher the risk;
- It was felt by some members that it would be helpful to include more qualitative information around the work that was being carried out to tackle the issues highlighted in the Plan;
- Work continued with the Police and Crime Commissioner (PCC) on some of the issues highlighted in the Plan and he had been consulted on its content. It was noted that the PCC presently funded around 8% of the Youth Offending Service’s budget.

RESOLVED:

That the Draft Youth Justice Plan 2014/15 be commended to the Cabinet for consideration at its meeting on 1 April 2014.

84. Reduction in Support and Funding to Agencies.

The Commission considered a report of the Chief Executive concerning the proposed approach to funding and support to agencies in light of the agreed requirement in the Medium Term Financial Strategy to save £590,000 over the next three years. A copy of the report, marked “Agenda Item 10”, is filed with these minutes.



The Chief Executive reported that the consultation on the proposed approach outlined in the report had commenced on 10 March and would end on 2 June. Any comments the Commission wished to make would be considered as part of that process and a report would be submitted to the Commission's meeting in September setting out a summary of the consultation responses and the final proposals to be submitted to the Cabinet.

In response to questions from members, the following points were made:

- A consultation exercise was underway to enable the public and voluntary sector to help influence how the reduced Council funding can be deployed. The Council's contract with Voluntary Action Leicestershire (VAL) would be maintained at the existing level of funding in 2014/15 (£600,000), but this would be reduced to £300,000 in future years. It was suggested that the performance targets set for VAL as part of any future contract would need to be more clearly defined given the reduced resources available;
- Some concern was expressed about the "catch all" nature of the Equalities Challenge Group and a lack of elected member involvement;
- With less support available, it was inevitable that voluntary groups would be required to be innovative in order to survive;
- It was recognised that the Citizens Advice Bureaux played an essential role in providing free, independent, confidential and impartial advice to the residents of the County, and as such there were no proposals at present to reduce funding.

RESOLVED:

- (a) That the proposals put forward to provide support to agencies within a reduced budget be broadly supported and that the retention of funding at existing levels for the provision of advice and advocacy services via Citizens Advice Leicestershire and Citizens Advice Charnwood be welcomed;
- (b) That the performance targets associated with the current contract with Voluntary Action Leicestershire (VAL) be circulated to the Commission prior to consideration of VAL's annual performance presentation at a meeting later in the year.

#### 85. Provision and Refocusing of Grants to Community Groups.

The Commission considered a report of the Chief Executive concerning the implementation of a new SHIRE Community Grants programme and the options for implementation of a SHIRE Community Participatory Grant scheme. A copy of the report, marked "Agenda Item 11", is filed with these minutes.

Arising from questions by members, the following points were noted:

- The Community Forum Participatory Budgets had been abolished as part of the Medium Term Financial Strategy, but no decision had yet been taken on the future of the Community Forums, though it was known that community engagement activity would continue to be carried out by the Council in various ways. The wider approach on how services would be provided to communities would be articulated in the Communities Strategy, which was expected to be submitted to the

Commission in June;

- Environmental improvement grants were cited as a good example of relatively small amounts of funding being used to affect a significant positive change on the appearance of areas;
- Despite the reductions in resources, it remained the intention to provide advice and support to members of the public and community groups in seeking external funding from within the existing resources in the Chief Executive's Department.

RESOLVED:

- (a) That the options for a Shire Participatory Grants Scheme that involve delivery on a countywide basis based around the County Council's strategic and transformational priorities be broadly supported;
- (b) That it be hoped that an element of environmental improvement can be retained as part of the new grants programmes;
- (c) That the intention to continue the offer of support and advice from within existing resources to community groups wishing to apply for external grant funding be welcomed.

86. Date of next meeting.

It was NOTED that the next meeting of the Commission would be held on 30 April 2014 at 2.00pm.

2.00 - 4.00 pm  
26 March 2014

CHAIRMAN



**SCRUTINY COMMISSION – 30 APRIL 2014**

**COUNTY COUNCIL TRANSFORMATION PROGRAMME**

**REPORT OF THE DIRECTOR OF CORPORATE RESOURCES**

**Purpose of the Report**

1. To advise the Scrutiny Commission on the Council's Transformation Programme and seek its views thereon.

**Background and Policy Framework**

2. The Transformation Programme has been developed to enable the County Council to deal with the significant financial challenges it faces. Through the Transformation Programme, the Council will seek to reshape its operating model and focus and, working with partners, seeks to significantly reduce costs.
3. The Transformation Programme aligns with:
  - The Council's new Strategic Plan 2014-18. This Plan will set out the high level priorities and the supporting actions and targets for the Council over the next four years. The County Council's Strategic Plan will be submitted to the Cabinet on 6 May, and subject to approval, will be submitted to the County Council for approval.
  - The County Council's Medium Term Financial Strategy, which was agreed by the Council in February.
4. The Programme is overseen by a Member Transformation Board, which comprises representatives of the three main political groups of the Council.

**Resource Implications**

5. The Transformation Programme aligns with the allocation of resources through the Council's medium term financial planning process.
6. Implementation of the Programme will aim to achieve £40m of the savings required. It will be supported by a small coordinating Transformation Unit and project resources. An indicative budget has been set aside to support implementation in the aim of achieving the ongoing savings required.

**Partnership Working and Associated Issues**

7. A number of priorities will be delivered through integration of health and social care and partnership working with other agencies, communities and the voluntary sector.

### **Timetable for Decisions**

8. The Transformation Programme will be considered by the Cabinet on 6 May 2014. The comments of the Scrutiny Commission will be forwarded to the Cabinet for its consideration alongside the report.

### **Conclusions**

9. The draft Programme sets out the objectives and priorities for managing transformation and details the governance arrangements to ensure its success.

### **Background Papers**

Medium Term Financial Strategy to 2018

### **Circulation under the Local Issues Alert Procedure**

10. None.

### **Officer to Contact:**

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### **Appendix**

Appendix A – “Transforming the way we work”

### **Relevant Impact Assessments:**

#### **Equal Opportunities Implications**

There may be equality impacts associated with major service transformation. Equalities and Human Rights Assessments will be completed on relevant projects within the Transformation Programme.

#### **Environmental Implications**

There are no particular environmental implications arising out of the Plan.



# Transforming the way we work

Shaping the council's transformation  
– a summary of the transformation programme

April 2014

v0.3



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## Section 1 Executive summary

***'The County Council will lead Leicestershire by working with our communities and partners for the benefit of everyone'***

The County Council has a strong track record in leading Leicestershire's public services to improve outcomes for residents, and evolving to accommodate changes in Government policy within the context of reducing resources. Through the 'Strategic Change Programme' from 2006-2011, the council reshaped its operating model and focus, significantly reducing costs, developing its people and improving its engagement with partners.

The financial challenges facing the council are significant, as we need to reduce our net expenditure by £110m (nearly 30%) by 2017/18. £23 million has already been achieved. £34 million is being delivered by operational savings. A total of £40.2 million can be secured through the transformation programme. But there is still a gap of £12.5 million and further years of austerity predicted.

We also need to implement major changes in Government policy regarding the provision of health and social care service and children's services which will increase the pressures on our resources, coupled by demographic changes which are increasing the demand for social care support. At the same time, through the recent budget consultation process, Leicestershire residents have clearly voiced their preferences in terms of protecting service quality in some areas and expecting us to drive out greater efficiency.

At the same time, the health and social care integration agenda provides the opportunity for the council to radically rethink its highest cost services and improve outcomes. Furthermore, the council's leadership has a renewed focus on driving innovation in service provision, to improve outcomes for Leicestershire.

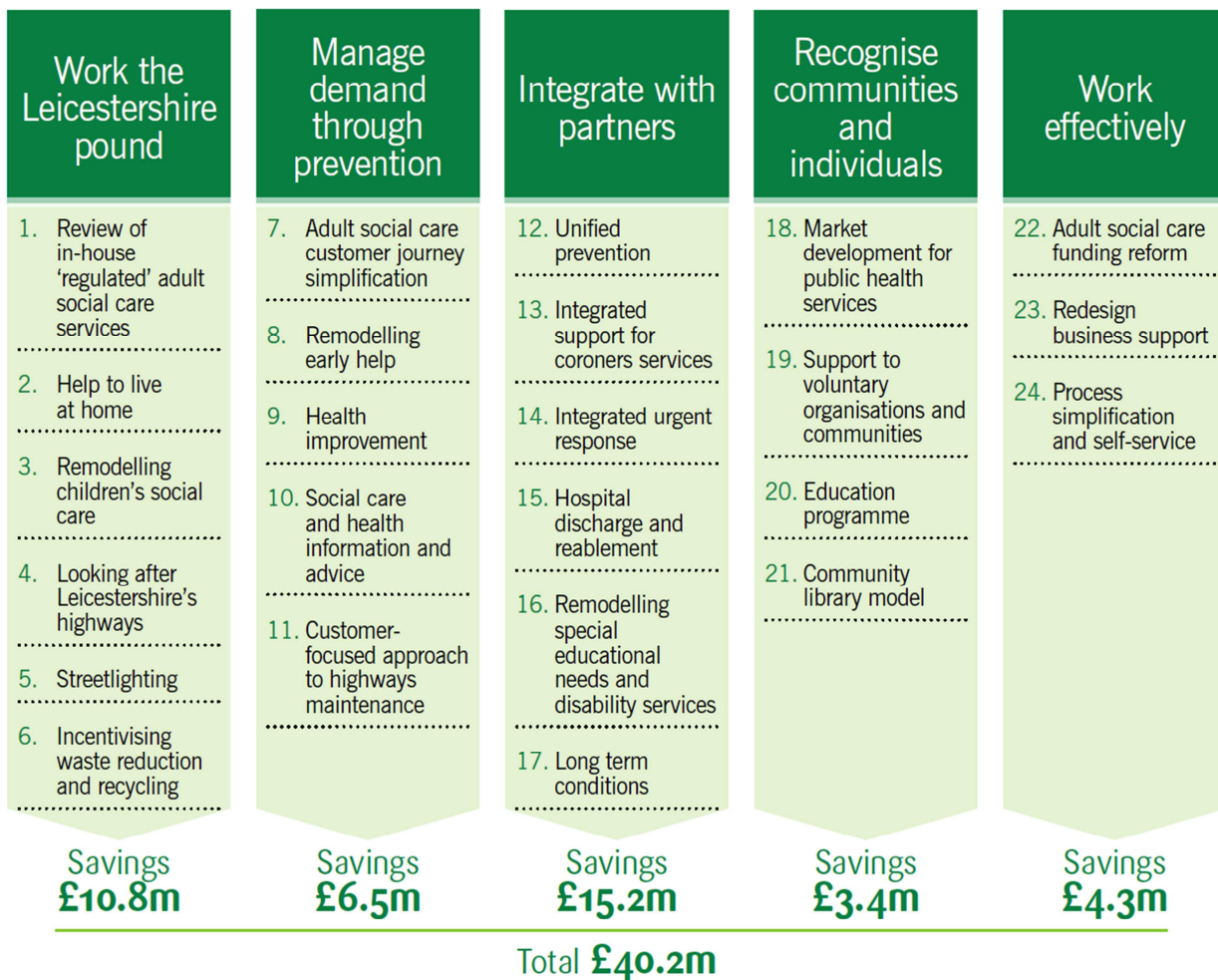
The council needs to respond urgently and safely: transforming our services, our focus and our working practices. At the heart of our transformation must be a renewed focus on our priorities, our customers and our communities, with a determination to put people and outcomes ahead of organisational boundaries and bureaucracy. To achieve this, we are focussing on a number of objectives that will be used when re-designing our services and will be explicit in all service plans. They will provide a focus for innovation and change, and should be used as the basis for transformation:

- To **'work the Leicestershire pound'** – reducing cost and maximising funding available to the council and other bodies
- To **manage the demand for services through increased prevention** – reducing pressures on the front line and preventing future costs from rising
- To **integrate services** and pool budgets with partners wherever possible – creating better experiences for staff and service users
- To **recognise communities and individuals** – helping active communities deliver better results
- To **work effectively** – in a culture that focuses on priorities, people and outcomes

To meet the financial challenge and the need to deliver services differently the council has developed a Transformation Programme. The Programme has two distinct components:

- Service transformation – which will deliver £40m over the next four years. A further £12.5m is still to be identified in time for the MTFS update in autumn 2014
- Enabling transformation – which will deliver the council-wide tools and capabilities to support the transformation of our approach to commissioning and service delivery

The five transformation objectives below will cut through everything we do. Below you can see how our service transformation projects are grouped together by objective.



This document sets out the council's approach to delivering its priority outcomes over the coming four years. We need to innovate and act with our partners to influence the demand on our resources and affordability of our services, in order to respond to current changes in policy and funding, and to improve the quality of life for Leicestershire's residents. Working with our partners, we will need to:

- Fundamentally **challenge how our services are provided** and reconfigure them to reduce cost – now and in the future;
- **Target early intervention and prevention** initiatives to improve outcomes for vulnerable people, and reduce their dependency on high cost services; and
- Develop **alternative sources of resource**, in order to reduce the reliance on traditional public sector funding and services.

At the heart of our transformation will remain a clear focus on our vision and our organisational values, namely: focusing on the people of Leicestershire; being positive; achieving results; being flexible; being co-operative; and speaking up.



## Section 2 Vision for transformation

### 2.1 The strategic focus for Leicestershire

*'The county council will lead Leicestershire by working with our communities and partners for the benefit of everyone'*

The statement is underpinned by six strategic imperatives that serve as the unconditional requirements to drive the council's approach:

1. Lead Leicestershire;
2. Support and protect the most vulnerable people/ communities;
3. Enable & support communities, individuals & families;
4. Make Leicestershire a better place;
5. Manage public sector resources effectively;
6. Have the organisational structures & behaviours to deliver this approach.

### 2.2 The case for change

While the council's underlying values remain a constant, the role and focus of the council will need to change. The scale of change facing public services means that we cannot have a tactical response. The major challenges facing the council are illustrated below:

**Demographic pressure that increases the demand on our services**

*An ageing population and the predication of long term conditions. The number of Leicestershire residents aged over 65 has increased by nearly 20% in the past 10 years, while those over the age of 85 have increased by 39%.*

**Legislative and policy pressure that increase the demand for our resources and support**

*For example, the Care Bill which will reform social care funding for older people. The Children and Families Act, which for example, include new responsibilities to support young carers and an increase in eligibility for social care support for young adults in education up to the age of 25.*

**Legislative changes that create a duty for the council to integrate services with health partners**

*The Health and Social Care Act (2012) requires the council and CCGs to develop integrated approaches to improving health outcomes and reducing costs. At the same time, the Children and Families Bill (2013) requires an integrated approach to Special Educational Needs and Disability assessments across health, social care and education partners.*

**Continued focus on personal choice changes the nature of our relationship with individuals and communities**

*Adults receiving social care support and families with children with disabilities are now offered a personal budget which they can use to make their own, informed decisions about the type of support they want and who provides it. This empowers people to choose and support themselves.*

**Resident and council tax payer expectations**

*For many people, the performance of the council is judged on the quality of its universal services. The council's recent budget consultation demonstrated the strength of feeling by residents to not cut gritting, roads and path maintenance. And, of course, local communities are often protective of local resources such as libraries and museums.*

**Financial pressure that reduces the availability of our funding**

*The Comprehensive Spending Review in 2013 saw a 10% reduction in funding for local government and a council tax freeze for 2 years. Given this income reduction, and pressures on our services, we need to reduce our expenditure by £110m per annum by 2017/18.*

We need to innovate and act with our partners to influence the demand on our resources and affordability of our services, in order to respond current changes in policy and funding, and improve the quality of life for Leicestershire's residents. Working with our partners, we will need to:

- Fundamentally challenge how our services are provided and reconfigure them to reduce cost;
- Target early intervention and prevention initiatives to improve outcomes for vulnerable people, and reduce their dependency on high cost services; and
- Develop alternative sources of resource, in order to reduce the reliance on traditional public sector funding and services.

The council needs to respond urgently and safely, transforming our services, our focus and our working practices. We will be required to look at our service provision in a different way, our relationship with communities and individuals will change, our perceptions of the council's core purpose will be challenged, and others may need to take on what we now have to stop. At the heart of our transformation must be a renewed focus on our customers and our partners, with a determination to put people and outcomes ahead of organisational boundaries and bureaucracy.

## 2.3 A framework for change

The process of transforming our service needs to be managed effectively to ensure pace and mitigate risk. Given the success of the council's previous "Strategic Change Programme" (2006-11), we are adopting a council-wide response to the current drivers for change.

## Transformation objectives and principles

To achieve the required transformation and medium term financial strategy (MTFS), we will need to make decisions regarding the future of our services and our focus. These decisions will be taken throughout the implementation of the transformation programme, and will be based on the following key principles:

Objective	Key principles
<b>Work the Leicestershire pound</b>	<ul style="list-style-type: none"> <li>• Jointly commission services</li> <li>• Be disciplined and rigorous in performance and quality</li> <li>• Use the most cost effective delivery models</li> <li>• Ensure public sector activity contributes to economic growth</li> </ul>
<b>Manage demand through prevention</b>	<ul style="list-style-type: none"> <li>• Focus on interventions targeted at reducing demand on high cost services</li> <li>• Create opportunities for communities to help each other</li> <li>• Promote and enable self-service, self-management and independence</li> <li>• Reduce the reliance on public funding</li> </ul>
<b>Integrate with partners</b>	<ul style="list-style-type: none"> <li>• Adopt a whole-life approach to commissioning</li> <li>• Integrate service planning and delivery to maximise impact</li> <li>• Pool resources with partners to maximise outcomes, savings and investment</li> <li>• Bring services together within communities</li> </ul>
<b>Recognise communities and individuals</b>	<ul style="list-style-type: none"> <li>• Recognise 'communities of interest' as well as 'place' (localities)</li> <li>• Renew our customer focus</li> <li>• Harness the value of community facilities</li> <li>• Design and deliver services at the right level, in the right way</li> </ul>
<b>Work effectively</b>	<ul style="list-style-type: none"> <li>• Embed a consistent approach to strategic commissioning</li> <li>• Continue to modernise public services: delivery, access and flexible working practices</li> <li>• Nurture a culture of innovation and evaluation</li> <li>• Learn from good practice, and where relevant incorporate into the transformation programme</li> <li>• Embed a multi-disciplinary approach to working across services and partners</li> </ul>

These principles will be used when re-designing our services and will be explicit in all service plans. They will provide a focus for innovation and change, and should be used as the key basis for transformation.

## Section 3 The transformation programme

### 3.1 Shaping the transformation programme

Delivering transformation and change needs to balance a range of competing demands. It must ensure that departments have enough freedom and support to deliver agreed priorities whilst benefiting from the right level of corporate support. Successful transformation is rooted in delivering both service specific and council-wide changes.

This section describes a new approach to transformation in Leicestershire, describing the priorities that underpin this programme and the council-wide initiatives that will enable the transformation to be successful. Having completed a ‘stock take’ of current projects across the council, as well the financial priorities defined within the medium term financial strategy, our approach is characterised by distinguishing between:

- The key initiatives that should be the focus of the transformation programme;
- The initiatives that should be managed as “business as usual” to deliver operational improvements and tactical cost savings;
- Low priority projects that should be stopped.

It is the first group of initiatives that have informed the overall shape of the transformation programme, described in terms of service transformation programme and enabling projects.

Component	Description
<b>Service transformation</b>	<p>These programmes are centred on delivering the strategic priorities for the council’s key services, for example:</p> <ul style="list-style-type: none"> <li>• Looking after Leicestershire’s highways;</li> <li>• Implementing the Children and Families Act;</li> <li>• Health and social care integration, the Care Bill and Social Funding reform.</li> </ul>
<b>Enabling transformation</b>	<p>These are initiatives that support the delivery of service transformation requirements. They are essential building blocks to support the transformation of services, and are focused on elements of transformation that are most effectively done corporately.</p>

### 3.2 Transformation priorities

The case for change (section 2.2), highlights the external pressures on the council which dictate the need for a strategic, council-wide programme of change. At both a corporate level and for specific services, the success of the transformation programme will be judged on its ability to deliver the council’s priority outcomes, on time and using available resources. These outcomes will determine the programme’s roadmap and resources. The following sections illustrate the key priorities for the transformation programme in greater detail.

### 3.2.1 Financial outcomes

The council needs to reduce its net expenditure by £110m by 2017/18. While £23m savings have already been achieved (2013/14), £34.3m are being delivered by services through operational efficiencies and service reductions. However, the transformation programme will need to **deliver net expenditure reductions of £52.7m** over the next four years. At this point £40.2m has been identified, leaving a gap of £12.5m (see MTFS 'gap' in 2017/18). It is essential that further transformational savings are identified in time for the updating of the MTFS in autumn 2014.

### 3.2.2 Service outcomes

In shaping the transformation programme we have taken into account the key initiatives for each of the service areas which are either existing strategic initiatives or emerging requirements. These initiatives are described below.

### 3.2.3 Children and Families

Children and Families have developed four main programmes with a target to deliver £6.1m of transformational savings. The key priorities for Children and Families are the delivery of the legislative change, focus on targeted intervention and prevention, and the development of alternative education provision. Therefore, the three areas of service transformation are:

<i>Programme</i>	<i>Projects</i>	<i>Description</i>	<i>MTFS Financial Target</i>
<b>Early help</b>	Remodelling early help	To enable individuals and families to access support as early as possible, to help them maintain their quality of life, prevent problems getting worse and reduce demand for high cost support.	£2.1m
<b>Children's social care</b>	Remodelling children's social care	To transform children's social care services in line with the Children and Families Act to develop improved pathways and processes and to deliver efficiency savings through better commissioning and procurement.	£3m
<b>Children and Families Act</b>	Remodelling special educational needs and disability services	To improve educational, health and wellbeing outcomes for all Leicestershire children and young people with SEN and disability, and to ensure changes required in the Children and Families Act are delivered effectively, through better integrated single assessment framework and joint commissioning of services to deliver single education, health and social care plans and personal budgets.	£1m

<b>Programme</b>	<b>Projects</b>	<b>Description</b>	<b>MTFS Financial Target</b>
	Young carers	To develop a strategy and deliver the new statutory duty of assessing needs and commissioning services for young people who take caring role for a sibling or a parent/grandparent.	£0m
<b>Education programme</b>	Remodelling of alternative education provision	To devolve key stage 3 funding to schools partnership and to develop solutions and provision for the key stage 1 and 2.	£0m
	Remodelling of education sufficiency and quality	To undertake remodelling of the education function from sufficiency of places, allocation of places to quality of provision across all age groups (0-25).	£0m
<b>Total</b>			<b>£6.1m</b>

### 3.2.4 Adults and Communities

Within Adults and Communities there are a number of specific pressures that the service must respond to if adult social care is to continue to be provided in a sustainable way. These pressures include legislative changes and funding reform and demographic pressure.

Given these demand pressures, the service is no longer affordable and the transformation that Adults and Communities must effect will be to provide services on a fundamentally different basis. The focus will need to be on a number of key objectives:

- Reducing demand on high cost services through better targeted prevention and intervention
- Integrating with health to provide better care for the service user
- Challenging the models of care and considering alternative means of providing the service and a greater use of “non-formal” support
- Developing community partnership models to deliver services

Adults and Communities is developing activity with a target to deliver £4.4m of transformational savings to address these key priorities and includes the following:

Programme	Projects	Description	MTFS Financial Target
<b>Transforming adult social care</b>	Adult social care funding reform	Operational changes in order to implement the Care Bill's Funding Reforms.	£0m
	Adult social care customer journey simplification	This will seek to both improve the efficiency of the customer journey, reducing the cost of assessment and care, and also maximise effectiveness in supporting the 'unified prevention offer' working with health.	£1m
	Help to live at home	In preparation for integrated commissioning with health, this will see a rationalisation of domiciliary care providers and use of outcome-based payment models to improve service efficiency & performance	£1m
	Review of in-house 'regulated' adult social care services	This is focused on remodelling in-house services, through greater joint working with districts regarding housing and exploring alternative delivery models	£0.5m
<b>Community library model</b>		This is focused on all aspects of the council's non-social care, universal services to communities, to identify opportunities to build community capacity and generate new funding to reduce their net cost.	£1.9m
<b>Total</b>			<b>£4.4m</b>

### 3.2.5 Public Health

Although the direct transformational savings for Public Health are only £0.5m it has a critical role in the transformation programme. Public Health underpins prevention and early intervention and therefore has a key objective in supporting the Unified Prevention project within health and social care integration, and also targeted prevention and early intervention initiatives.

The other key objective for Public Health will be to take a lead on developing and publicising the right information, advice and guidance which will help to signpost people away from formal support, and will contribute to the objective of supporting people to become more self-reliant and start to self-manage.

<b>Programme</b>	<b>Projects</b>	<b>Description</b>	<b>MTFS Financial Target</b>
<b>Health improvement</b>		Potential alternative models for health improvement services. Such a model may bring together the separate lifestyle behaviour change services (smoking, weight management) with support provided by a single professional across the range of lifestyles	£0m
<b>Health and social care information and advice</b>		Integrate the provision of preventative advice alongside delivery of other services, creating the potential for a 'triage' based system to support targeted intervention and demand reduction.	£0m
<b>Market development for public health services</b>	Smoking cessation services Drugs and alcohol misuse services	Work with communities, third sector and voluntary sector to develop their capability to provide alternative means of service delivery, and to develop competition in the market	£0.5m
<b>Total</b>			<b>£0.5m</b>



### 3.2.6 Health and Social Care Integration

There are a number of dependencies between the transformation initiatives within Adults and Communities, Children and Families, and Public Health with health and social care integration. The integration of health and social care will be delivered through the Better Care Together 5 year strategy and the Better Care Fund plan.

Programme	Projects	Description	MTFS Financial Target
<b>Unified prevention</b>	Multiple projects	This programme includes projects that are focused on supporting adults to live independently at home, mitigating demand for high cost services.	£10m (Better Care Fund)
<b>Integrated urgent response</b>	Integrated crisis response service	This will see the implementation of a new service to provide effective short-term support at a point of crisis that will help to maintain someone in their own home, preventing admission to hospital or long-term residential care.	£3.5m (New Model of Early Intervention)
	Elderly frail service	Consolidating a number of existing services into a rapid assessment and treatment service for frail/complex older people with the potential to offer outpatient and short stay options.	£0.35m (Integrated Health & Social Care solution)
	Expanded role of primary medical care	7 day working, workforce development and proactive care with GP leads.	
<b>Long term conditions</b>	Proactive care	Supporting people with long term conditions and frail older people by enabling more alternatives to hospital stays delivered closer to home.	
	Improving quality in care homes	An integrated social care and health team to improve quality in residential care homes, responding quickly and proactively to any breaches and reducing the number of safeguarding incidents.	
<b>Hospital discharge and reablement</b>	Multiple projects	This is focused on the optimisation and integration of services to bridge the process of an older person being in hospital to safely returning home and living independently.	
<b>Total</b>			<b>£13.85m</b>

### 3.2.7 Environment and Transport

Environment and Transport focusses on four main areas, which between them aim to save £9.7m.

Programme	Projects	Description	MTFS Financial Target
<b>Looking after Leicestershire's highways</b>	New delivery model	Develop a new delivery model for the highways maintenance service. Develop strategic commissioning capabilities to drive service efficiencies	£5.5m
	Customer focussed approach to highways maintenance	Taking a "whole systems" view of the service with a clear focus on the purpose of highway maintenance and its link to the needs of Leicestershire residents. Includes a review of the maintenance model including the evaluation of a permanent 'right first time' approach.	
N/a	Street lighting	Reducing the cost of street lighting through the use of new technology, alternative delivery models and partnership delivery arrangements.	£1.2m
<b>Incentivising waste reduction and recycling</b>	Revised payment mechanism on recycling credits	Explore the options to restructure incentive payments for recycling with Districts, and to move towards a more integrated service.	£1.9m
	Review of recycling and household waste site provision	Explore alternative delivery model for the recycling and household waste sites, including the engagement of communities and voluntary sector.	£1.1m
<b>Total</b>			<b>£9.7m</b>

### 3.2.8 Corporate Resources

Corporate Resources is a key commissioner and provider of internal support services to the council. It has developed three key areas of work to significantly reduce current net costs by £4.3m:

Programme	Projects	Description	MTFS Financial Target
<b>Demand management</b>	Service charging and demand management	To improve the transparency of service costs to internal customers for operational services, improving the governance of change control and exploring the budgetary levers to control demand pressures	£3.8m
	Process simplification & self-service	To reduce operational support costs through improving the design of internal processes, improve their accessibility, provide better information provision to enable self-help and embedding new processes through training and consequence management.	
	Strengthening corporate governance	To reposition the role of business partners to serve as both advisors and as a mechanism to improve internal compliance, and challenge inefficient working practices.	
<b>Service optimisation</b>	Redesign business support	Redesign and 'business support' functions and resources across the council, exploiting potential capacity within Customer Services and standardising support using a more economic model.	£0.5m
<b>Income generation</b>	Commercialisation of traded services	Maximise net revenue from operation traded services, through a focus on services that are commercially viable & exploiting the most attractive delivery model to support innovation.	£0m
<b>Total</b>			<b>£4.3m</b>

### 3.2.9 Chief Executive's

Chief Executive's has two key components, aiming to deliver savings of £1.3m:

Programme	Projects	Description	MTFS Financial Target
<b>Integrated support for Coroners Services</b>	-	Integration of the administration and support for the two statutory coroner services (North Leicestershire; and South Leicestershire and City). Options for a joint mortuary that could be located in alternative accommodation area also being explored.	£0.4m
<b>Support to voluntary organisations and communities</b>	Re-Commissioning of support to voluntary organisation	Aligning the re-commissioning of support to the voluntary sector to transformation priorities (e.g. community capacity building).	£0.6m
	Provision of grants to community organisations	Reconfiguring grants to community organisations be more targeted and aligned to the transformation priorities	£0.3m
<b>Total</b>			<b>£1.3m</b>

### 3.3 Key enablers of transformation

The council's service transformation programmes have identified a number of requirements that require a co-ordinated and planned approach across the council. These are requirements that will impact on the council's core resources e.g., systems, customer services, management training programmes. The table below illustrates some of these key requirements:

<b>Building resources and governance</b>	<ul style="list-style-type: none"> <li>• Clarify the role, responsibilities and structure of the transformation programme and how it will be governed</li> <li>• Adopt an effective and efficient structure and framework with Boards that enable the strategic management of the transformation programme</li> <li>• Ensure that the governance of the programme does not fall to Departmental silos</li> <li>• Ensure that the 'transformation' programme actively facilitates cross-departmental working</li> <li>• Develop a strategy for sharing resources across partners</li> </ul>
<b>People and organisation development</b>	<ul style="list-style-type: none"> <li>• Promote, develop and enforce the behaviours that will positively support change and improvement</li> <li>• Develop organisation development to ensure that the council has the right capabilities, aligned to the Target Operating Model</li> <li>• Ensure that core management development programmes includes the core skills required: financial management, people management, customer service behaviours, project management and negotiation skills</li> <li>• Develop stronger centres of expertise in some key areas to allow capabilities to be shared across the organisation and partners</li> <li>• Review the effectiveness of employee terms and conditions to support the transformation of working practices</li> </ul>
<b>Data and business intelligence</b>	<ul style="list-style-type: none"> <li>• Identify and use data and evidence to make informed decisions across the organisation and with partners, and meet new statutory requirements such as adopting the NHS number</li> <li>• Ensure the right capability and capacity to make sense of the data and develop business intelligence, with the use of business intelligence embedded in all decision making</li> <li>• Implement the right processes and systems to collect, share and challenge data securely</li> </ul>

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<b>Customer and communities</b>	<ul style="list-style-type: none"> <li>• Enable customers to access Leicestershire services in the most effective and efficient manner</li> <li>• Ensure all internal and partner processes are designed with the customer in mind and are simple and efficient</li> <li>• Promote and develop effective communications across the organisation and with partners</li> <li>• Effectively engage with communities in shaping the future of Leicestershire services and outcomes</li> </ul>
<hr/>	
<b>Effective commissioning</b>	<ul style="list-style-type: none"> <li>• Deliver an integrated approach to support commissioners in making the strong evidenced based decisions across the commissioning life cycle, and build delivery capacity</li> <li>• Develop a commissioning framework that outlines what activities and capabilities are required throughout the commissioning cycle; and allows stress testing of services based upon business intelligence</li> <li>• Provide an effective framework for commissioners to understand and assess the implications of different delivery models</li> <li>• Create a clearer definition of accountabilities and responsibilities between commissioner and provider</li> <li>• Work with communities to explore alternative delivery models for our services</li> <li>• Enable more effective commissioning from the third sector and developing them as providers</li> </ul>
<hr/>	
<b>Systems and technology</b>	<ul style="list-style-type: none"> <li>• Use Facilities and IT to drive and enable more flexible and agile ways of working for staff</li> <li>• Be radical in the development of customer interfaces, based upon needs assessment and usability</li> <li>• Take advantage of opportunities to share infrastructure with partners</li> <li>• Enable a more joined up view of system and IT infrastructure including with partners</li> </ul>

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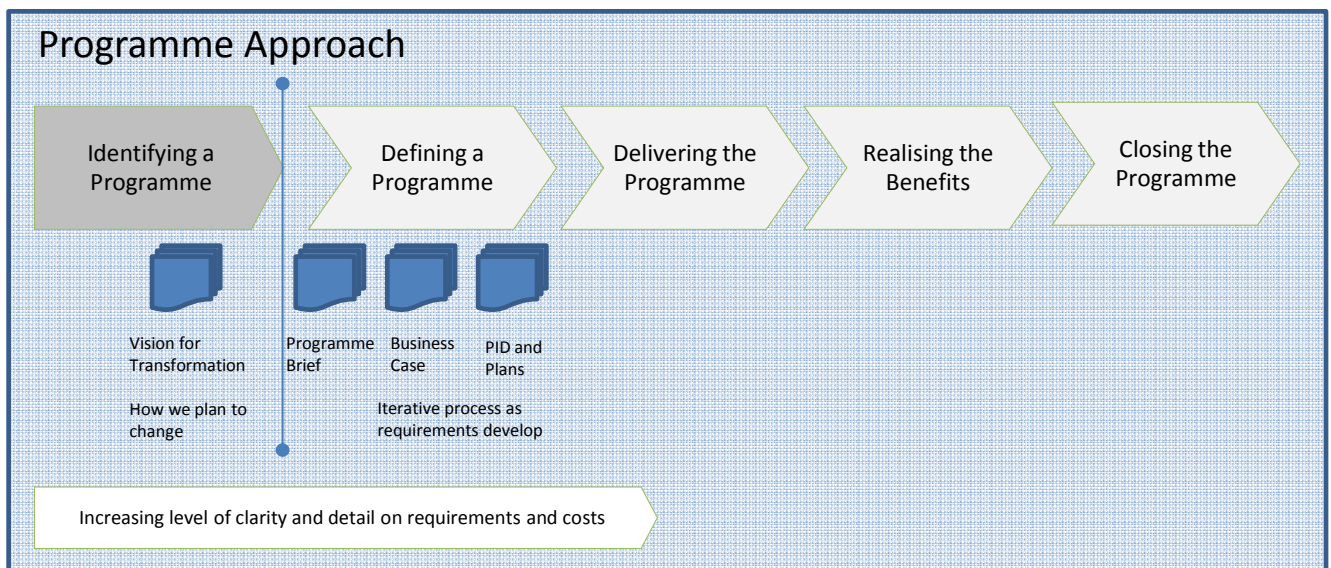
Whilst the “enabling” projects and programmes do not directly deliver savings, they are a fundamental part of making transformation successful and explained in more detail in the following sections.

## Section 4 Planning the transformation

### 4.1 Project and programme delivery overview

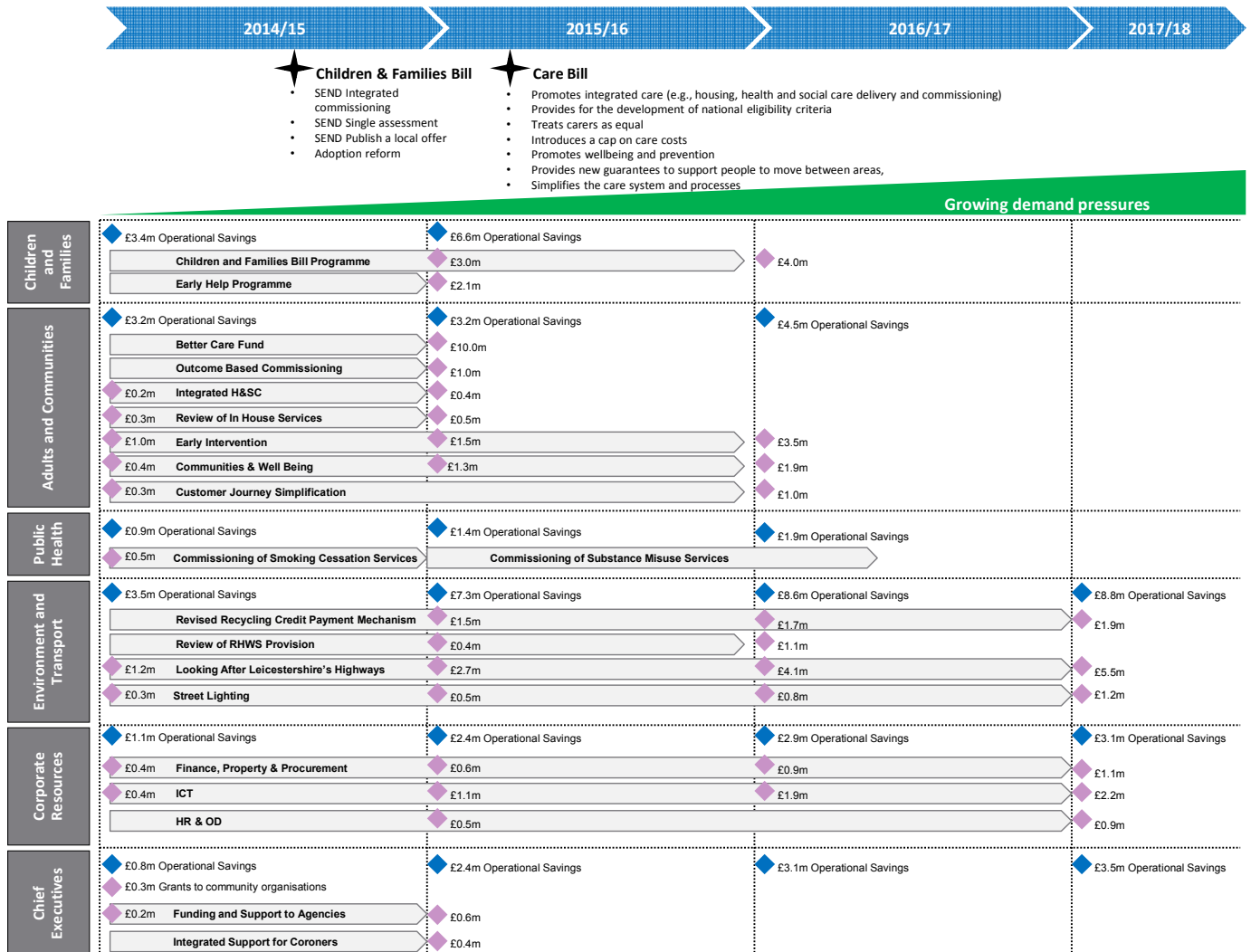
The framework we are using for the transformation programme will provide the basis for achieving consistency in how we define, plan and deliver the programme over the next three years.

The framework has five key elements as illustrated in the diagram below. We have currently completed the initial activities involved in the identification of a programme, and this document represents the consolidated 'vision for transformation' and the plan for how we would like to deliver the change. The next stage of the process will be to create greater clarity against the programme elements to deliver business case and implementation plans.



## 4.2 Three year road map of transformation priorities

The diagram below consolidates the key external drivers for change, existing MTFS commitments, and known transformational priorities. This road map reflects the current status of activity, and will be refined over the coming three months as the transformation programmes are planned in greater detail:



From the road map, it is clear that the council key initial transformation priorities include:

- Looking after Leicestershire highways;
- Care Bill and Social Care funding reform implementation
- Health and social care integration;
- Remodelling social care (C&F);
- Remodelling alternative education provision;
- Outcome based commissioning e.g. help to live at home.



## 4.3 Our focus for the next six months

The next stage of the programme will be to focus on the detailed definition and planning of both the service transformation projects and the enablers.

### 4.3.1 Service transformation

This will build on the work that services have already started in formulating programmes of work to deliver their service outcomes and the required savings over the next three years.

Over the next six weeks of the transformation programme, these plans should be brought together into a brief for each department to represent the service based transformation. The briefs will include the key milestones, benefits and savings, programme plans and resource profiles.

### 4.3.2 Enabling transformation

The enablers cover activity that creates the programme infrastructure such as the communications, the governance arrangements, the central transformation resources and the standards for managing and reporting. It also manages the corporate enablers that are required to support the service based transformation such as technology, data. These enablers will be managed by the Transformation Unit.

The 'Building governance and resources' enabler is focused on building the programme infrastructure and is, therefore, the first project to be delivered. The priority will be to **establish a strong and effective governance framework for transformation and build the Transformation Unit and a resourcing plan for the transformation programme.**

A further more detailed plan below outlines the key focus for each of these enablers in the initial three – six months. However, at a high level they will all adhere to a similar process which has described below.

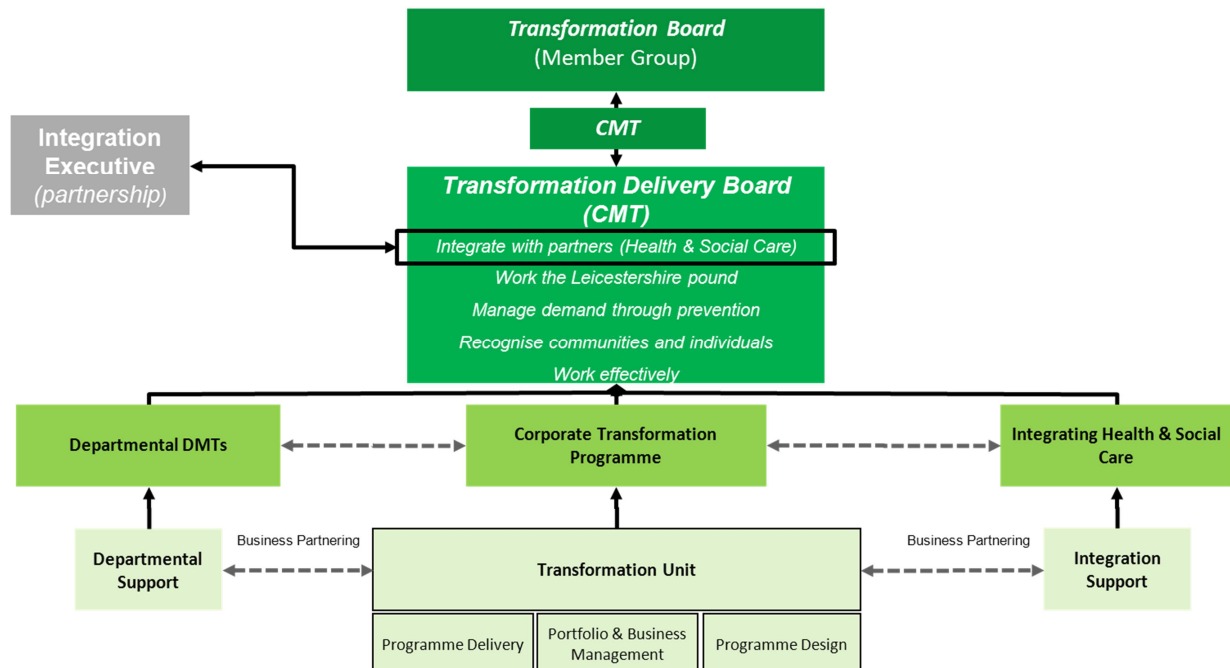
## 4.4 Risks and issues

The transformation programme needs to deliver a £52.7m reduction in the council's net expenditure over four years. However, a significant proportion of these savings are expected in the first two years. There are a number of risks and issues that need to be recognised and managed:

Key challenge	How the challenge or risk can be mitigated
Does the council have sufficient pace to implement the 'transformational' changes required to deliver savings of £28.7m by FY15/16 and £36m by FY16/17?	<p>Effective and prioritised plans.</p> <p>Identify &amp; deliver quick-wins to build momentum.</p> <p>Identify additional savings opportunities to build greater contingency into the MTFS.</p>
Do we have the confidence that the Transformation will deliver £52.7m by 2017/18 including the £12.5m current budget gap?	<p>Ensure benefits tracking and management is effective, working with services and finance.</p> <p>Adopt a robust approach to decision making, such that poorly performing projects are urgently tackled to avoid wasting resources and time.</p>
Are the transformation initiatives currently tackling all the key levers: demand mgt (volume), specification (quality), and unit costs (price)?	<p>Alongside the development of more detailed service transformation briefs and plans, we would suggest stress-testing key expenditure areas to ensure that they are being effectively challenged through transformation using all available levers.</p>
Are current headcount reduction initiatives creating specific capability and capacity pressures which will reduce the council's ability to deliver transformation and sustain business as usual operations?	<p>Through the development of more detailed resource plans, each department should undertake an impact assessment to evaluate its ability to sustain current operations and drive transformation effectively.</p> <p>Furthermore, programme resource plans should also be challenged to ensure that projects are being efficiently planned and resourced.</p>
Are the scope and target outcomes of the H&SC Integration Programme and Adults & Communities change initiatives aligned to avoid duplication and avoid missed opportunities?	<p>The programme brief and outline business case will clarify any duplication and provide a basis to identify any missed opportunities.</p>
<p>How aligned is staff, citizen and Member sentiment to the emerging themes of the transformation programme?</p> <p>Are the objectives of every individual clear with respect to the programme of work and will they be held to account for delivery of the programme?</p> <p>Do partners understand and buy-in to the council's current refocus and transformation planning process?</p>	<p>The People and Organisation Development and Customer and Communities enablers will play lead roles in overseeing the approach to staff and citizen sentiment respectively and engaging</p> <p>Governance and performance management will identify and manage accountability</p> <p>Communication and engagement with all stakeholders will be important in building strong, positive sentiment and support for the changes</p>

## Section 5 Governance

The transformation programme's governance and reporting structures need to be efficient, maximising the ability of the council's leadership to manage by exception, promoting action and innovation, avoiding unnecessary meetings and minimising bureaucratic process, and making best use of existing operational governance structures.



### Transformation Board

The Transformation Board will continue to provide the strategic direction for transformation. The board will also play an important role in political engagement, and to test the direction of proposals.

**Membership** - political representative from the three main parties, plus senior officer attendance.

### CMT

CMT will be responsible for the strategic direction of the transformation programme, and in ensuring that the shape of projects and initiatives within the programme are aligned to the design principles.

CMT will approve business cases related to the transformation programme, providing clear mandate and direction for projects to be delivered.

**Membership** - senior leadership team of the council.

### Transformation Delivery Board

The Transformation Delivery Board will play a distinct role from CMT and will be responsible for the successful delivery of the whole transformation programme. It will track risks and issues; receive exception reports and agree action plans.

**Membership** - As per CMT, but with the Director of Corporate Resources as chair.

## Integration Executive

Where transformation programmes and initiatives overlap and have dependencies with partner organisations, we will work more broadly with partners through an Integration Executive. For example, we will drive and govern the Health and Wellbeing Integration programme through the Transformation Delivery Board, with engagement of partners through the Health and Wellbeing Integration Executive.

**Membership** - Dependent upon the specific integration projects but will include partners.

The Transformation Unit will support the effective delivery of the council's vision for transformation. It will comprise three key functions:

The specific capabilities and support available from the transformation programme is as follows:

- **Programme delivery:** will provide programme managers, project managers and business analysts to support priority initiatives.
- **Portfolio and benefits management office:** will be responsible for updating plans, tracking risks and issues, reporting on progress, administering meeting and tracking benefits (from business cases through the operational delivery). An important part of this function will also be the deployment of corporate standards in the creation of project and programme documentation, focusing on the quality of analysis and plans.
- **Programme design:** will work with existing business partners from across I&T, HR and Finance, will ensure that changes to the council's current operating model support the agreed direction of travel, and are effectively assessed, planned and co-ordinated.



**SCRUTINY COMMISSION – 30 APRIL 2014**

**ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES**

**Purpose of Report**

1. This report provides the Scrutiny Commission with an overview of the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 and the work taking place to implement the Act across Leicestershire.

**Policy Framework and Previous Decision(s)**

2. There is a statutory requirement in the Crime and Disorder Act 1998 to consider crime and disorder and work in partnership when doing so.

**Background**

3. In 2010 the Home Office launched a consultation paper (More Effective Responses to ASB) that proposed a transformation in the way anti-social behaviour is dealt with. It also outlined the findings of a review of ASB tools and powers that found the current system inefficient, slow and not fit for purpose.
4. The Anti-Social Behaviour, Crime and Policing Act 2014 has stream-lined the current ASB toolkit (reducing the number of orders from 19 to 6, as illustrated at Appendix 1) so that the remedies are more flexible and faster at stopping ASB. The Act also focuses on giving better witness satisfaction and making agencies more accountable to witnesses and communities when agencies fail to act. The Act will come into enactment in September 2014.
5. Key changes as a result of the Act:-
  - (i) To replace the Anti-Social Behaviour Orders and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Crime Prevention Injunction. The new orders will have positive requirements attached to them to support the perpetrators and address their offending behaviour.

- (ii) To consolidate the tools to deal with place specific anti-social behaviour into a two tier Community Protection Order and a simplified police power to direct people away from an area on grounds of anti-social behaviour.
- (iii) Introduction of a new 'Community Remedy' which uses a restorative justice approach to deal with low level crime and anti-social behaviour.

It should be noted that what is being described as 'Community Remedies' was introduced into Leicestershire in 2008 as part of a National Pilot and is now an embedded process. This is not the case elsewhere in the country as Leicestershire was one of only 4 pilot areas. However, the process in Leicestershire has locally been described as 'Restorative Justice', a description which the Home Office is now using for the process by which victims interact with offenders as part of the process to prevent re-offending.

The Police and Crime Commissioner will be required to publish a Community Remedy Document based on evidence of consultation.

- (iv) Introduction of a new 'Community Trigger' which will impose a duty on the statutory partners in a Community Safety Partnership (CSP) to take action in cases where victims or communities have complained about ASB on a number of occasions or when a number of people report the same ASB and it is perceived that local agencies have failed to respond.

There have been a number of pilot areas across the Country where officers have described this process as becoming an 'escalated complaints procedure'. Furthermore these areas state that most Triggers have been activated by professionals as opposed to members of the community

5. Further detail on these changes is outlined at Appendix 2.

### **Implementation**

- 6. The Government is expecting local areas to make local plans for implementation of the Act. In order to take this forward in Leicestershire a Leicester, Leicestershire and Rutland ASB Act Task and Finish Group has been established, chaired by Gurjit Samra-Rai from the

County Council and made up of representatives from Leicestershire Police, Rutland County Council, Leicester City Council, Charnwood Borough Council, Hinckley & Bosworth Borough Council (& Chair of Chief Housing Officers Group), Social Crime and Landlords Group & Fire & Rescue Service. Legal services and an officer from the PCCs office will be invited as and when required.

7. The Task and Finish group has considered:-
  - What the sub region should consider doing differently in light of these new powers;
  - What the changes are in practice and how we should prepare for them;
  - Training requirements and the development of a sub regional training plan and associated costs;
  - A review of current policies and procedures to ensure they are fit for purpose (e.g Joint Action Groups (JAGs) and the Incremental Approach).
8. A 'light touch' JAG review is underway; this is to ensure that the Terms of Reference and Minimum Standards for JAGs are still fit for purpose. The review report with recommendations, shall be circulated to all Local Authority Chief Executives, Chairs of the CSPs and Chairs of the JAGs.
9. A multi-agency training plan has been prepared. This consists of a modular, tiered approach including locality events, e-learning packages and briefings, for officers, managers and members.
10. Having considered the experiences from the pilot areas, a sub regional Community Trigger document has been drafted.

#### **Potential Implications for Leicestershire County Council**

12. The County Council has not, to date, used the current ASB legislation and it is unlikely that these changes will alter that.
13. There will be training requirements for officers from within the organisation, for example the Youth Offending Service (YOS). Officers will require multi agency training on any changes to current practices and procedures and on changes to the legislation, particularly around the positive requirements attached to orders.
14. As mentioned above there will be a member training programme, particularly around the restorative justice aspect of the legislation. This will cover Community Resolutions, Community Triggers and Neighbourhood Justice Panels.

15. Furthermore, the County Council will be co ordinating the multi agency communication across the County that will inform residents about the changes and impact of the new legislation on them.

### **Consultations**

16. Leicestershire County Council provided a response to the Home Office Consultation Paper – More Effective Responses to Anti-Social Behaviour in May 2011.
17. In order to take this forward in Leicestershire a Leicester, Leicestershire and Rutland ASB Act Task and Finish Group has been established, made up of representatives from a number of agencies from across the sub region.

### **Resource implications**

18. There will be resource implications when delivering training on the new legislation, but this will be absorbed by individual agencies within the partnership.

### **Timetable for Decisions**

19. The Act will come into enactment in September 2014.

### **Conclusions**

20. The report outlines the key aspect of the Act and the work underway in preparation for its implementation.

### **Background Papers**

None.

### **Circulation under Local Issues Alert Procedure**

None.

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**List of Appendices**

**Appendix 1:** Table of current and new orders

**Appendix 2:** Detail of changes

**Appendix 3:** Action Plan

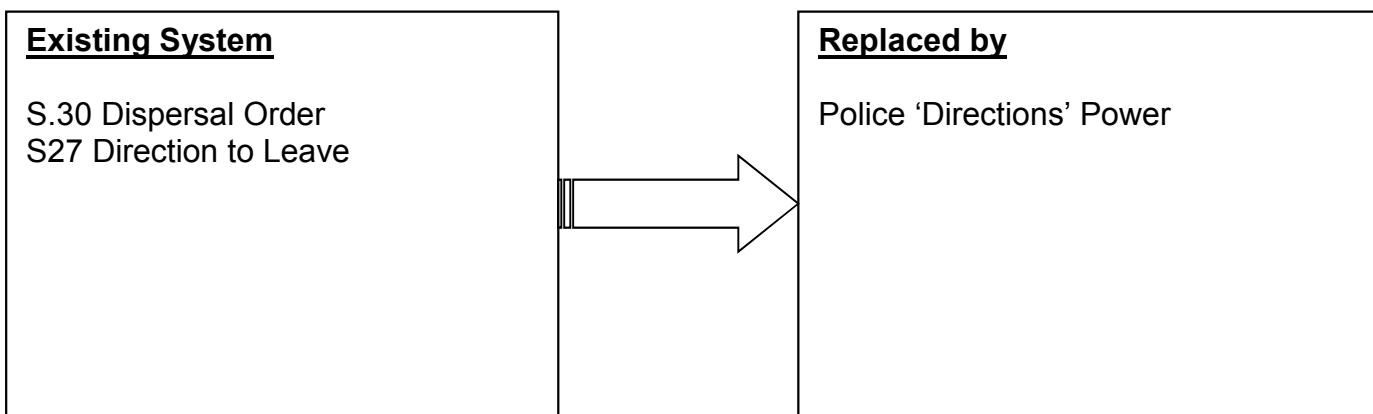
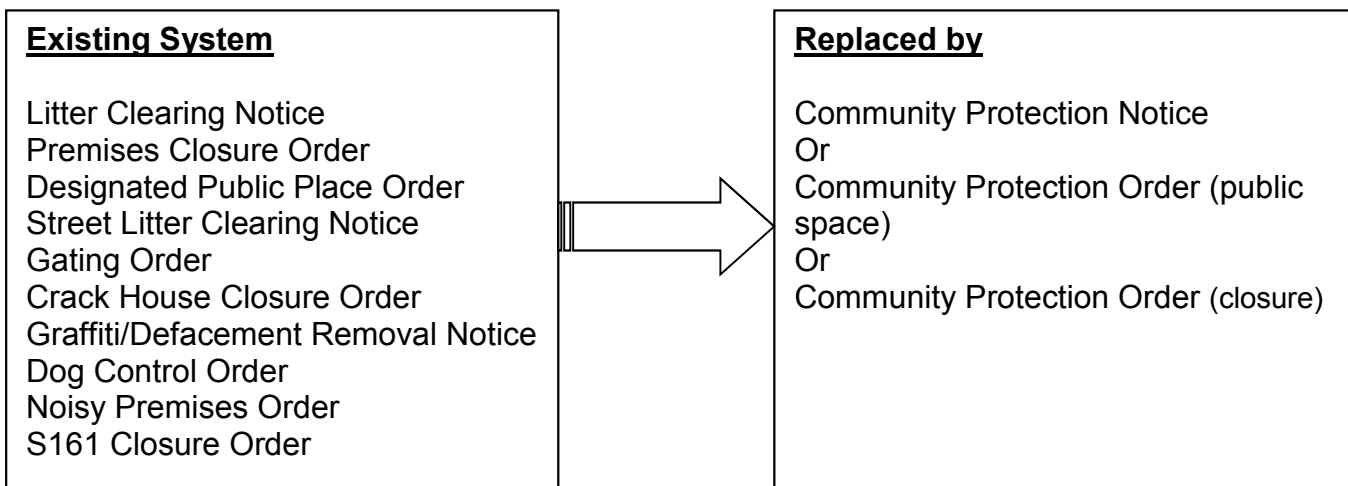
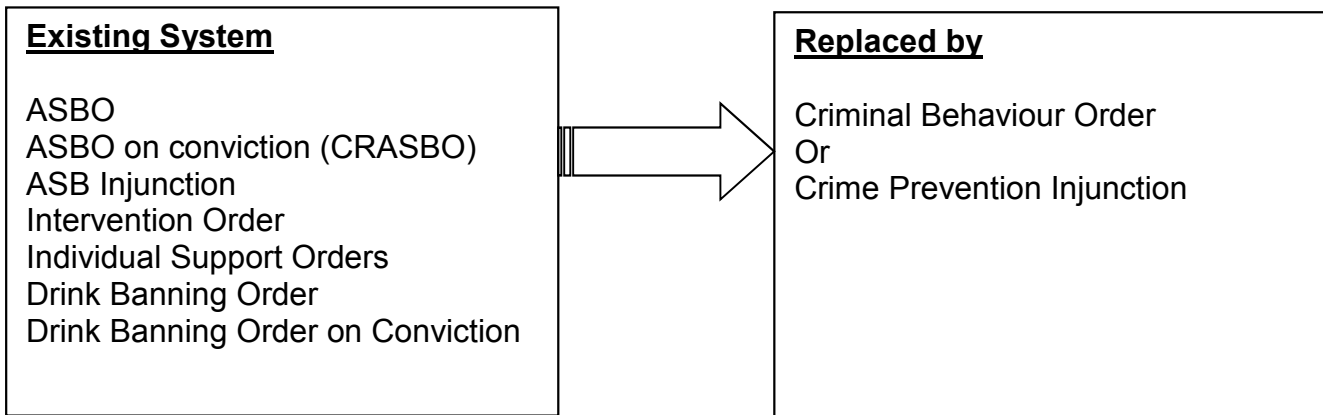
**Relevant Impact Assessments:****Equal Opportunities Implications**

An Equalities Impact Assessment (EIA) will be completed on all new policies and processes arising from the new legislation.

**Environmental Implications**

There are no particular environmental implications arising out of the Plan.

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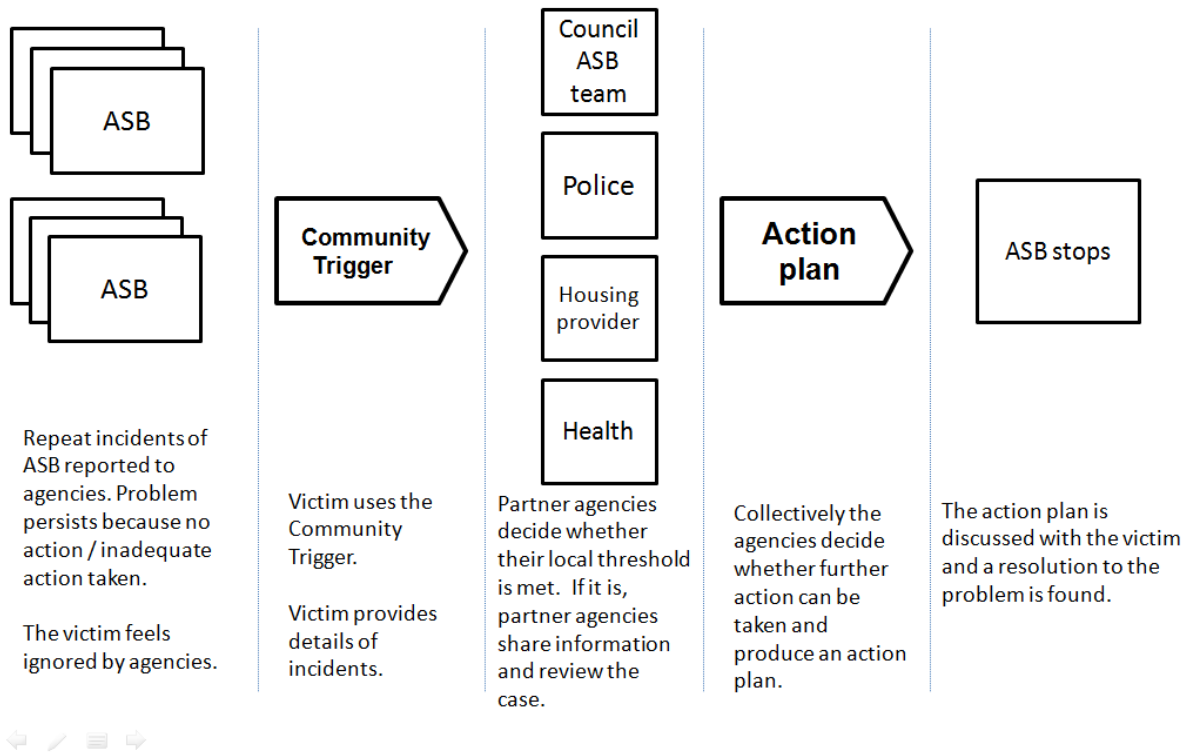


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## COMMUNITY TRIGGER

<b>Purpose</b>	To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.
<b>Agencies with a responsibility to have arrangements in place for the Community Trigger</b>	<ul style="list-style-type: none"> <li>• Council;</li> <li>• Police;</li> <li>• Clinical Commissioning Groups in England and Local Health Boards in Wales;</li> <li>• Registered providers of social housing who are co-opted onto this group.</li> </ul>
<b>Threshold</b>	<p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> <li>• Three complaints in the previous six month period.</li> </ul> <p>May also take account of:</p> <ul style="list-style-type: none"> <li>• The persistence of the anti-social behaviour;</li> <li>• The harm or potential harm caused by the anti-social behaviour;</li> <li>• The adequacy of response to the anti-social behaviour.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• When the Community Trigger is activated, agencies must decide whether the threshold has been met and communicate this to the victim;</li> <li>• If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken;</li> <li>• The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour;</li> <li>• The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul>
<b>Who can use the Community Trigger?</b>	<p>A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, MP or councillor.</p> <p>The victim could be an individual, a business or a community group.</p>

## The Community Trigger

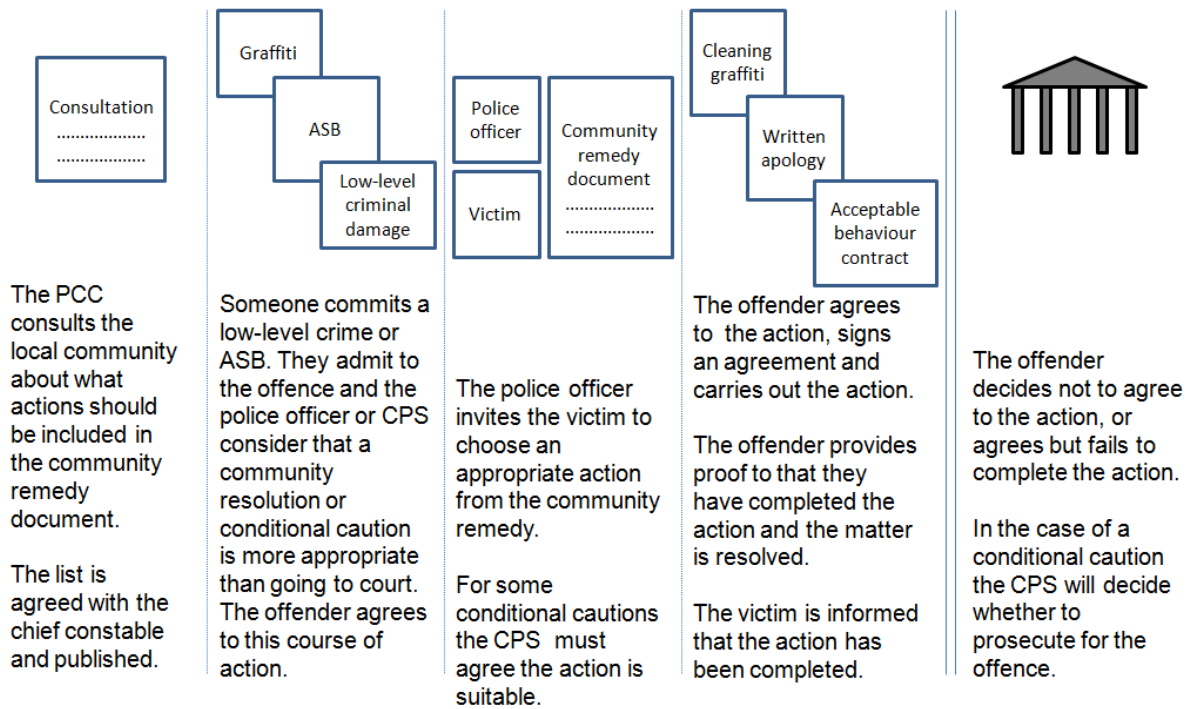


## COMMUNITY REMEDY

<p><b>Purpose</b></p>	<p>The community remedy gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour.</p>
<p><b>Applicants / who can use the remedy</b></p>	<ul style="list-style-type: none"> <li>• Police officer;</li> <li>• An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their Chief Constable);</li> <li>• A person authorised by a relevant prosecutor for conditional</li> </ul>

	cautions or youth conditional cautions.
<b>Test</b>	<ul style="list-style-type: none"> <li>• The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence;</li> <li>• The person must admit to the behaviour or offence;</li> <li>• The officer must think that the evidence is enough for court proceedings including an injunction to prevent nuisance and annoyance, or impose a caution or fixed penalty notice, but considers that a community resolution would be appropriate.</li> </ul>
<b>Conditional cautions</b>	The community remedy must be considered when an offender is given a conditional caution or youth conditional caution. The action chosen by the victim can be attached as a condition to the caution.
<b>Details</b>	<p>When dealing with anti-social behaviour or low-level offences out-of-court through community resolutions and conditional cautions the police officer must use the community remedy as a means to engage the victim in having a say in the punishment of the offender.</p> <p>The Act places a duty on the PCC to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate to be on the community remedy document.</p>
<b>Failure to comply</b>	If the offender fails to comply with a conditional caution or youth conditional caution they can face court action for the offence or anti-social behaviour.
<b>Important changes /differences</b>	The community remedy is used with the community resolutions, conditional cautions and youth conditional cautions. The community remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.

## Community Remedy



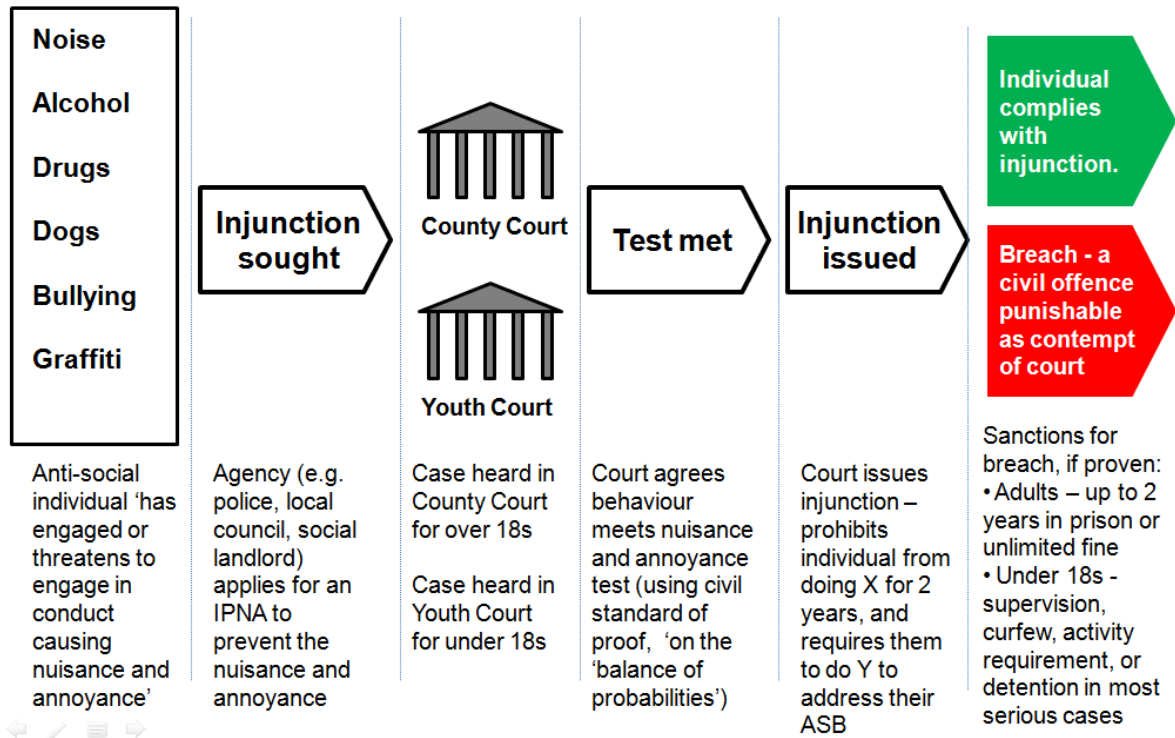
### INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE (IPNA)

<b>Purpose</b>	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
<b>Applicants</b>	<ul style="list-style-type: none"> <li>• Police (including British Transport Police)</li> <li>• Local authorities</li> <li>• Social landlords</li> <li>• NHS Protect and NHS Protect (Wales)</li> <li>• Environment Agency and Natural Resources Wales</li> <li>• Transport for London</li> </ul>
<b>Test</b>	<ul style="list-style-type: none"> <li>• On a balance of probabilities, the respondent has engaged or is</li> </ul>



	<p>threatening to engage in conduct capable of causing nuisance and annoyance to any person; and</p> <ul style="list-style-type: none"> <li>• The court considers it is just and convenient to grant the injunction to stop the anti-social behaviour.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Issued by the county court for over 18s and the youth court for under 18s</li> <li>• Injunction will include prohibitions and can also include positive requirements to get perpetrator to address the underlying causes of their behaviour.</li> <li>• Agencies must consult Youth Offending Teams for applications for under 18s</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach of the injunction is not a criminal offence but breach must be proved to the criminal standard, that is, beyond a reasonable doubt.</li> <li>• Over 18s: Civil contempt of court with Unlimited fine or up to 2 years in prison</li> <li>• Under 18s: supervision order or, as a very last resort, a detention order of up to 3 months for 14-17 year olds</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>• Over 18s to the High Court;</li> <li>• Under 18s to the Crown Court.</li> </ul>
<b>Important changes /differences</b>	<ul style="list-style-type: none"> <li>• Available to a wider range of agencies than Anti-Social Behaviour Injunctions;</li> <li>• Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders;</li> <li>• Lower anti-social behaviour test than Anti-Social Behaviour Orders;</li> <li>• No need to prove “necessity” unlike Anti-Social Behaviour Orders;</li> <li>• Breach is not a criminal offence; and</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>

## Injunction to Prevent Nuisance and Annoyance

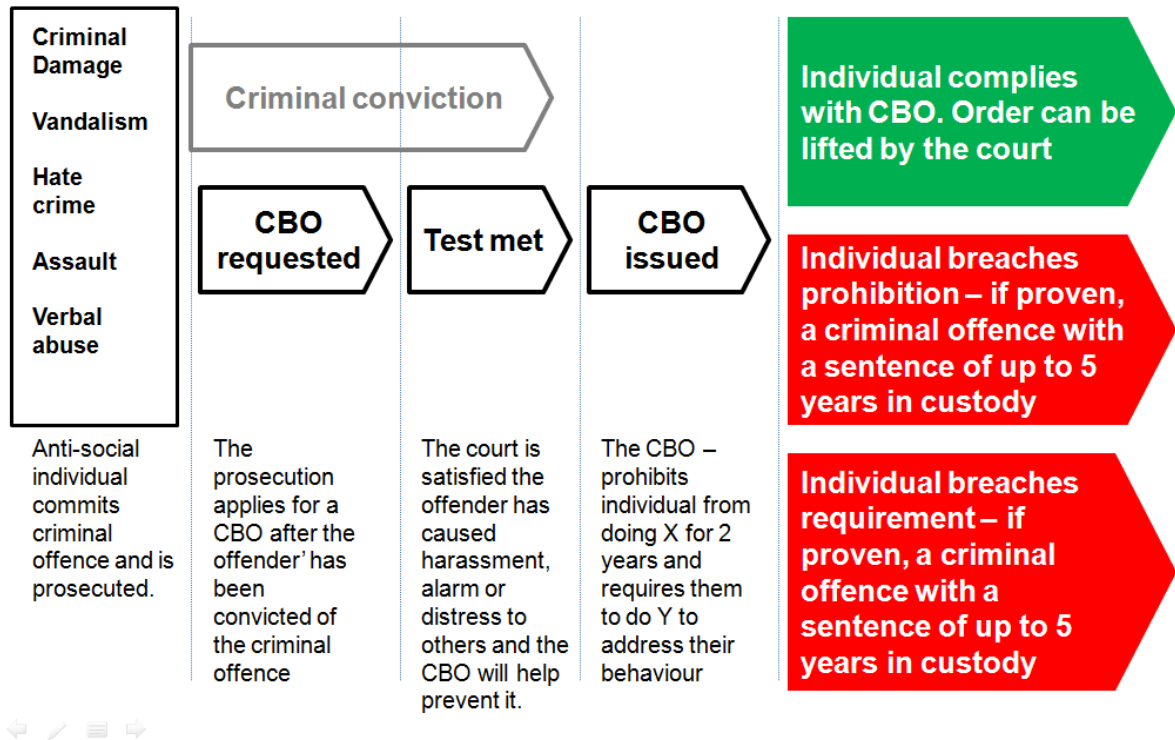


## CRIMINAL BEHAVIOUR ORDERS

<b>Purpose</b>	Issued by any criminal court against a person who has been convicted of an offence to tackle the most hard-core of persistently anti-social individuals who are also engaged in criminal activity.
<b>Applicants</b>	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or local authority.
<b>Test</b>	<ul style="list-style-type: none"> <li>Beyond a reasonable doubt, the court is satisfied that</li> </ul>

	<p>the offender has engaged in behaviour caused or likely to cause harassment, alarm or distress to any person; and</p> <ul style="list-style-type: none"> <li>• The court considers that making the order will help prevent the offender from engaging in such behaviour.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Issued by any criminal court for any criminal offence;</li> <li>• The anti-social behaviour does not need to be part of the criminal offence;</li> <li>• Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of their behaviour;</li> <li>• Agencies must consult the Youth Offending Teams for applications for under 18s.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond a reasonable doubt;</li> <li>• For over 18s on summary conviction: up to 6 months imprisonment or a fine or both; For over 18s on conviction on indictment: up to 5 years imprisonment or a fine or both;</li> <li>• For under 18s: the sentencing powers in the youth court apply.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>• Appeals against orders made in the magistrates' court (which would include the youth court) lie to the Crown Court;</li> <li>• Appeals against orders made in the Crown Court lie to the Court of Appeal.</li> </ul>
<b>Important changes /differences</b>	<ul style="list-style-type: none"> <li>• Consultation requirement with YOTs for under18s;</li> <li>• No need to prove "necessity" unlike Anti-Social Behaviour Orders;</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>

## Criminal Behaviour Order

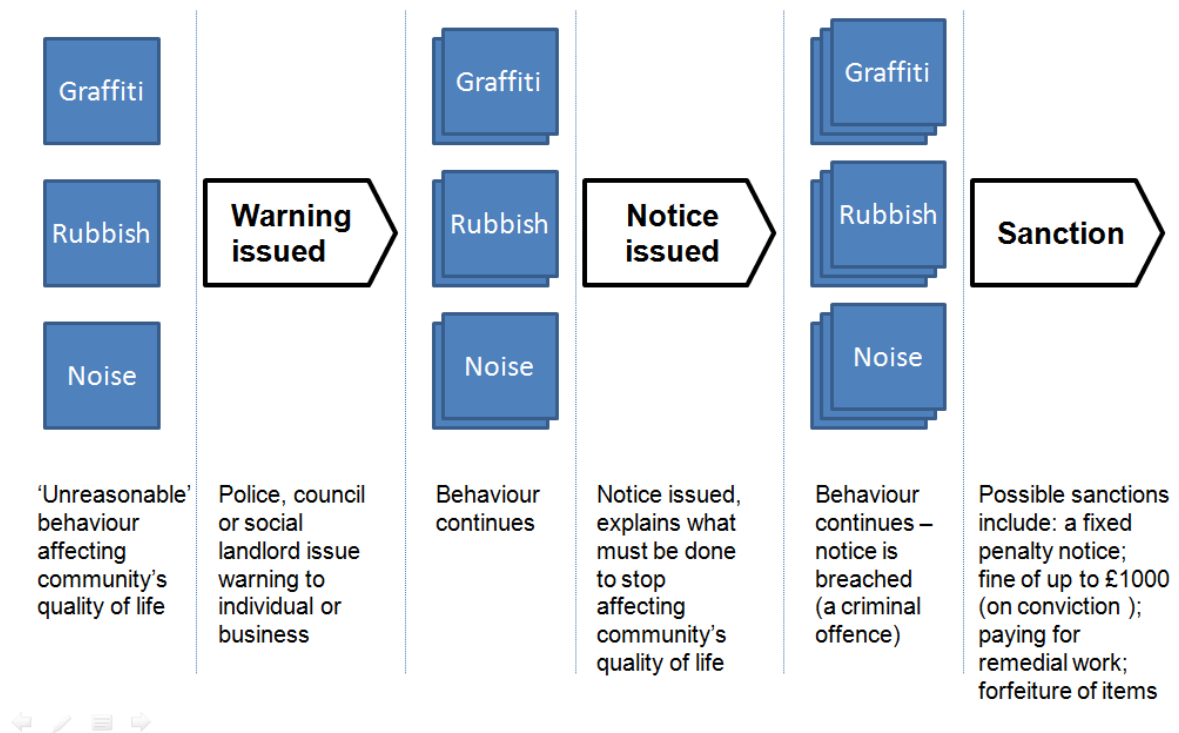


## COMMUNITY PROTECTION NOTICE

<b>Purpose</b>	To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.
<b>Applicants</b>	<ul style="list-style-type: none"> <li>• Council officers;</li> <li>• Police officers;</li> <li>• Police community support officers (PCSOs);</li> <li>• Social landlords (if designated by the council).</li> </ul>
<b>Test</b>	Behaviour has to:

	<ul style="list-style-type: none"> <li>• have a detrimental effect on the quality of life of those in the locality;</li> <li>• be of a persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Written warning issued by applicant informing perpetrator of problem behaviour and consequences of continuing;</li> <li>• Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour;</li> <li>• Can allow council to carry out works in default on behalf of a perpetrator.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence;</li> <li>• Applicants can issue a fixed penalty notice of up to £100 if appropriate;</li> <li>• A fine of up to £2,500, or £20,000 for businesses.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>• Terms of a CPN can be appealed by the perpetrator within 21 days of issue;</li> <li>• The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.</li> </ul>
<b>Important changes /differences</b>	<ul style="list-style-type: none"> <li>• The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance;</li> <li>• The CPN can be used against a wider range of perpetrators;</li> <li>• The CPN can include positive requirements ensuring that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.</li> </ul>

## Community Protection Notice

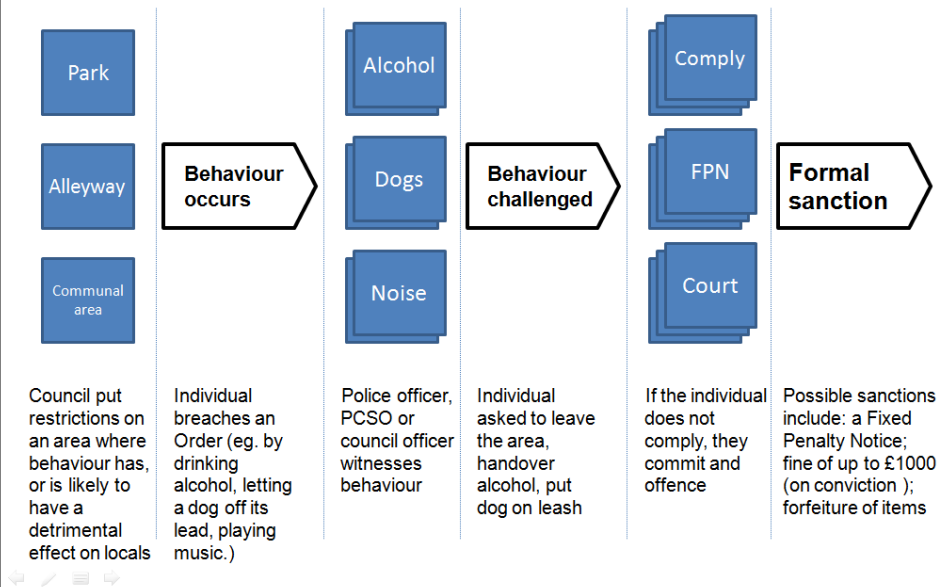


## PUBLIC SPACES PROTECTION ORDERS

<b>Purpose</b>	Designed to stop individuals or groups committing anti-social behaviour in a public space
<b>Applicants</b>	<ul style="list-style-type: none"> <li>Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner (PCC) and other relevant bodies.</li> </ul>

<b>Test</b>	Behaviour being restricted has to: <ul style="list-style-type: none"> <li>• be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• be persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Restrictions and requirements set by the council;</li> <li>• These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times;</li> <li>• Can restrict access to public rights of way where that route is being used to commit anti-social behaviour;</li> <li>• Can be enforced by a police officer, Police Community Support Officers and council officers.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence;</li> <li>• Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate;</li> <li>• A fine of up to £1,000 on prosecution.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>• Anyone who lives in, or regularly works or visits the area can appeal a PSPO in the High Court within 6 weeks of issue;</li> <li>• Further appeal is available each time the PSPO is varied by the council.</li> </ul>
<b>Important changes /differences</b>	<ul style="list-style-type: none"> <li>• A single PSPO can deal with a wider range of behaviours than the orders it replaces;</li> <li>• More than one restriction can be added to the same PSPO.</li> </ul>

## Public Spaces Protection Order



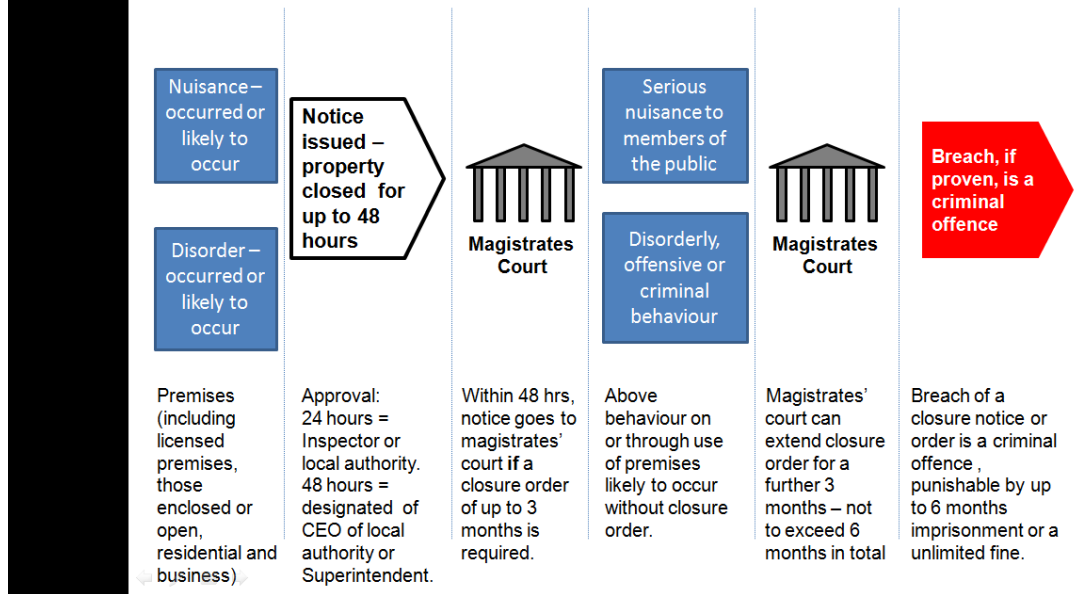
## CLOSURE POWER

<b>Purpose</b>	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
<b>Applicants</b>	<ul style="list-style-type: none"> <li>• council;</li> <li>• The police.</li> </ul>
<b>Test</b>	<p>Following has occurred or will if closure power not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> <li>• Nuisance to the public; or</li> <li>• Disorder near those premises;</li> </ul> <p>Closure order (up to six months):</p>



	<ul style="list-style-type: none"> <li>• Disorderly, offensive or criminal behaviour;</li> <li>• Serious nuisance to the public; or</li> <li>• Disorder near the premises.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Notice: can close a premises for up to 48 hrs out-of-court but cannot stop owner or those who live there accessing the premises</li> <li>• Order: up to 6 months agreed by magistrates' court and can restrict all access.</li> <li>• Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.</li> </ul>
<b>Penalty on breach</b>	<p>Breach is a criminal offence</p> <ul style="list-style-type: none"> <li>• Notice: Up to 3 months in prison;</li> <li>• Order: Up to 6 months in prison;</li> <li>• Both: Up to an unlimited fine for residential and non-residential premises.</li> </ul>
<b>Who can appeal</b>	<ul style="list-style-type: none"> <li>• Any person who the closure notice was served on;</li> <li>• Any person who had not been served the closure notice but has an interest in the property;</li> <li>• The council (where closure order not made);</li> <li>• The Police (where closure order not made).</li> </ul>
<b>Important changes/differences</b>	<p>A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out-of-court.</p>

## Closure Powers



## NEW ABSOLUTE GROUND FOR POSSESSION

<b>Overview</b>	The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
<b>Purpose</b>	To expedite the eviction of landlords' most anti-social tenants to bring faster relief to victims.
<b>Applicants / Who can use the new ground</b>	<ul style="list-style-type: none"> <li>• Social landlords (local authorities and housing associations)</li> <li>• Private rented sector landlords.</li> </ul>
<b>Test</b>	<p>The tenant, a member of the tenant's household, or a person visiting the property has been:</p> <ul style="list-style-type: none"> <li>• convicted for a serious offence (specified in Schedule 3 of the Act);</li> </ul>

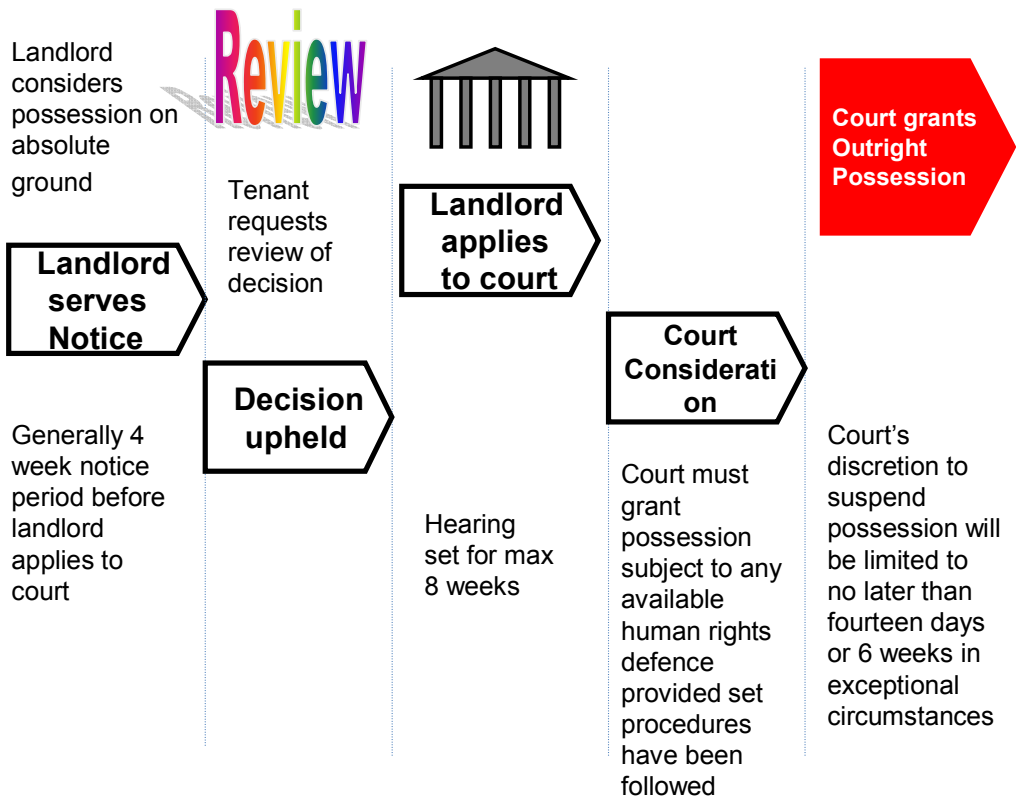
	<ul style="list-style-type: none"> <li>• found by a court to have breached an injunction to prevent nuisance and annoyance (IPNA);</li> <li>• convicted for breaching a criminal behaviour order (CBO);</li> <li>• convicted for breaching a noise abatement notice/order); or</li> <li>• the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Offence / breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff/ contractors;</li> <li>• Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession.</li> </ul>
<b>Result of action</b>	<ul style="list-style-type: none"> <li>• If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant) where the correct procedure has been followed.</li> </ul>
<b>Important changes /differences</b>	<ul style="list-style-type: none"> <li>• Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing;</li> <li>• This will offer better protection and faster relief for victims and witnesses of anti-social behaviour, save landlords costs, and free up court resources and time;</li> <li>• It will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants;</li> <li>• The court will not be able to postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than 6 weeks in any event.</li> </ul>

## Absolute Ground for Possession

Tenant, member of their household or visitor convicted for

1. Serious criminal offence
2. Found by a court to have breached IPNA
3. Convicted for breach of CBO
4. Convicted for breach of Noise Abatement Notice/Order OR
5. Tenant's property closed under Closure Order

Offences must have been committed in locality/against residents/landlord's staff anywhere



**ASB Bill Action Plan**

**APPENDIX 3**

	<b>Action</b>	<b>Owner</b>	<b>Timescales for Completion</b>
Community Trigger Document	<ol style="list-style-type: none"> <li>1. Research good practice amongst pilot areas</li> <li>2. Draft Community Trigger document</li> <li>3. Prepare standard letter of acknowledgement</li> <li>4. Prepare standard form</li> <li>5. Circulate draft documents amongst Partners for approval</li> <li>6. Sign off by PCC</li> </ol>	Gurjit Samra-Rai	April 2014
Light Touch JAG Review	<ol style="list-style-type: none"> <li>1. Attend all JAGs across the County and Rutland</li> <li>2. Prepare report with findings and recommendations</li> <li>3. Present recommendations to LA Chief Executives, CSP Chairs and JAG Chairs for approval</li> <li>4. Amend JAG Minimum Standards and Terms of Reference</li> <li>5. Ensure all JAGs are briefed</li> </ol>	Gurjit Samra-Rai	May 2014
Training Plan	<ol style="list-style-type: none"> <li>1. Establish which officers across the sub region require training in which element of the new legislation</li> <li>2. Convene a multi agency time limited group to draft training plan including: <ul style="list-style-type: none"> <li>• Theme based locality workshops</li> <li>• Manager briefings</li> <li>• E-learning</li> <li>• Member training</li> </ul> </li> <li>3. Consult on training plan</li> </ol>	Gurjit Samra-Rai	June 2014

	<ol style="list-style-type: none"> <li>4. Set dates for training to be delivered</li> <li>5. Work with East Midlands Learning &amp; Development Team to ensure the Police training is relevant to partners</li> </ol>		
Review of Incremental Approach	<ol style="list-style-type: none"> <li>1. Convene a multi agency group in order to establish if the current process is still fit for purpose</li> <li>2. Remove procedures and processes which are no longer relevant</li> <li>3. Add in new Notices, Orders, Injunctions (inc community remedy)</li> </ol>	Gurjit Samra-Rai	July 2014
Review of ASB policies and procedures	<ol style="list-style-type: none"> <li>1. Partnership agencies to review current policies and procedures to ensure they are fit for purpose in light of the new legislation</li> <li>2. Review to include back office paperwork</li> <li>3. Amend documents as required</li> </ol>	All Partner Agencies	August 2014
Communication	<ol style="list-style-type: none"> <li>1. Prepare a Communication Plan with key messages (managing public expectation)</li> <li>2. Disseminate Plan across the sub region for local messages to be delivered</li> </ol>	Gurjit Samra-Rai	August 2014
Community Remedy	<ol style="list-style-type: none"> <li>1. Prepare list of Community Remedy options</li> <li>2. Consult with the Community and Partner Agencies on the list of options</li> <li>3. Ensure agencies and communities are aware of the list of options within the Community Remedy document</li> </ol>	Suzanne Houlihan (OPCC)	September 2014
Corporate Briefings	Prepare and deliver briefings for interested staff within	Gurjit Samra-Rai	September 2014

	organisations		
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