

Date of committee: 26 July 2022

Date published: 27 July 2022

Date of implementation: 4 August 2022

DECISIONS OF THE CABINET
26 JULY 2022

The following decisions were made by the Cabinet on 26 July 2022 and will come into force and may be implemented on 4 August 2022 unless the decision is called in for scrutiny.

In accordance with the council's constitution, any six members of the same relevant Scrutiny Committee may request the Monitoring Officer to 'call-in' a decision for scrutiny. The Monitoring Officer will be provided with written notice that will identify the decision to be called-in and the ground for the call-in when the request is made. If satisfied that there are reasonable grounds for the proposed call-in, the Monitoring Officer will notify the decision-maker of the call-in within 5 clear working days. The deadline for this request is **3 August 2022**

The full call-in procedure is set out in the Constitution or for further information and advice please telephone Kate Critchel on 01305 252234

6 QUARTER 1 2022/23 FINANCIAL MONITORING REPORT

- (a) That the Senior Leadership Team's forecast of the full year's outturn for the Council, made at the end of Quarter 1, including progress of the transformational and tactical savings incorporated into the budget, be noted.
- (b) That the capital programme for 2022/23 including the slippage from previous years, and the work taking place to review this before the capital strategy for 2023/24 is developed, be noted.
- (c) That the opening position for the Medium-Term Financial Plan (MTFP) refresh and the budget timetable headlines be noted.
- (d) That the budget movements (virements) set out in the report to Cabinet of 26 July 2022, be agreed.

Reason for the decision

The Council has responsibilities to deliver within its corporate plan and it must do this within the resources made available through the revenue and capital budgets for 2022/23. The report summarised the Council's forecast financial performance for the year at the end of the first quarter.

8 ESTABLISHMENT OF A SHAREHOLDER COMMITTEE FOR CARE DORSET

- (a) That an Executive Committee be established, to be known as 'The Shareholder Committee for Care Dorset Holdings Limited'.
- (b) That 5 members of the Executive be appointed to the Shareholder Committee.
- (c) That the Terms of Reference for the Shareholder Committee be approved.
- (d) That delegated authority be given to the Shareholder Committee within the scope of its terms of reference, including strategic oversight and Reserved Matter decisions.

Reason for the decision

To establish formal governance arrangements for the performance of the Council's shareholder function for Care Dorset Holdings Limited.

9 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN - INVESTIGATION INTO A COMPLAINT IN CONNECTION WITH SPECIAL EDUCATION NEEDS PROVISION

- (a) That the eight recommendations of the Local Government and Social Care Ombudsman, as set out below in Section 3.1 of the report to Cabinet of 26 July 2022, be accepted.
- (b) Adopt as actions to be taken by the Council the further recommendations made by the Ombudsman, as set out and commented upon in Section 3.3 of the report.
- (c) The action taken since receipt of the Ombudsman's report be noted, and agree that the Children's Services Strengthening Services Board (Chaired by the Chief Executive) should:
 - (i) Oversee implementation of the actions referred to in the second recommendation; and,
 - (ii) Review the Ombudsman's focus report "Out of school, out of sight" and implement any necessary learning from that report.
- (d) That People and Health Scrutiny Committee be invited to:
 - (i) add the Council's ongoing performance in addressing the Ombudsman's criticisms and concerns to the Committee's forward work programme, and
 - (ii) commission the South West Audit Partnership to undertake focused work to provide assurance that the actions being taken in response to the Ombudsman's report are embedded in procedure and in practice.
- (e) Send the minutes of this meeting to all Councillors as the Cabinet's response to the Monitoring Officer's report.

Reason for the decision

The purpose of a section 5A Monitoring Officer report was to ensure that the findings of the Ombudsman were brought to the attention of Cabinet and acted upon. There were also legal requirements that the report be sent to all other Dorset Council councillors and that notices of the Ombudsman's findings be published in a local newspaper.

These transparency requirements reflect the seriousness of a formal finding of maladministration and injustice and are to ensure that the Cabinet and the

Council as whole is satisfied that an appropriate action plan is put in place so that:

- Wider systemic issues identified by the Ombudsman are addressed and
- There is no repetition of the failings identified by the Ombudsman.

10 MODERN SLAVERY TRANSPARENCY STATEMENT

Decision

That the Modern Slavery Transparency Statement for the financial year 2021-22 be published.

Reason for the decision

A forthcoming legislative change to the Modern Slavery Act, section 54, will result in a mandatory requirement for any local authority with a budget of £36m, and above, to publish a Modern Slavery Transparency Statement on an annual basis.

11 DORSET COUNCIL SCHOOL TRANSPORT POLICIES 2022-2023

- (a) The Home to School Transport Assistance Eligibility Policy for Children and Young People attending School 2022-2023 be approved and adopted, which includes a rise in the surplus seat price from £800 to £825.
- (b) The Dorset Post 16 Transport Support Policy for 2022-2023 which includes a rise in the surplus seat price from £800 to £825 be approved and adopted.
- (c) A schedule of increase of the Surplus Seat Cost in line with the prevailing Retail Price Index is implemented each year without the need to reconsult.
- (d) The Home to School Transport Assistance Eligibility Policy for Children and Young People attending School and Post 16 Transport Support Policy are re-consulted on only either when there is a significant change to the eligibility criteria; or where there are changes to the statutory guidance that would require significant change to either policy; or in October 2026 for the 2027-2028 policy – whichever is the earliest.
- (e) The Home to School and Post 16 Transport Policies be rewritten in plain English.

Reason for the decision

Dorset Council has a duty to provide Home to School Transport services to eligible pupils and to assist in supporting pupils attending Post 16 provision.

16 ADULT SOCIAL CARE - FUTURE SERVICES

That the detailed recommendations set out within the exempt report, and as amended by Cabinet of 26 July 2022, be approved.

Reason for the decision

To approve a delivery approach for this project.