

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 15 SEPTEMBER 2015

Councillors Present: Anthony Chadley, James Fredrickson, Dave Goff, Mike Johnston (Vice-Chairman), Rick Jones, Alan Macro, Ian Morrin, Richard Somner, Virginia von Celsing, Emma Webster (Chairman) and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Melanie Ellis (Chief Accountant), Tandra Forster (Head of Adult Social Care), Mac Heath (Head of Children and Families Services), Catalin Bogos (Performance Research Consultation Manager), Clare Ockwell (Electoral Services Officer), Phil Runacres (Elections and Land Charges Manager), Councillor Lynne Doherty (Executive Portfolio: Children's Services), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer).

Apologies for inability to attend the meeting: Councillor Clive Hooker

PART I

16. Minutes

The Minutes of the meeting held on 15th September 2015 were approved as a true and correct record and signed by the Chairman.

17. Declarations of Interest

There were no declarations of interest received.

18. Actions from previous Minutes

There were 4 actions followed up from previous Commission meetings, of which three had been completed. Members heard that item 2.1 (Annual Target Setting Task Group) had been scheduled for 22 September 2015.

Resolved that the report be noted

19. West Berkshire Forward Plan 2 September 2015 to 31 December 2015

The Commission considered the West Berkshire Forward Plan for the period covering 2 September 2015 to 31 December 2015.

Resolved that the Forward Plan be noted.

20. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme for 2015/16.

Members noted that the Severe Weather review would be considered in December 2015 due to report being submitted through the Executive Cycle. The update report would first be considered by Corporate Board and the Operations Board, on this occasion, but going forward the update would be received in conjunction with all other update items. Members heard that the delayed update would not impact the progress against recommendations which had been agreed by the Commission In September 2014.

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Members considered the Terms of Reference in respect of the West Berkshire Parking review. Councillor Mike Johnston stated that concerns existed in relation to the cumulative charges of parking and whether these lead to parking pressures elsewhere. He strongly advocated the review and believed that it provided the opportunity to consider longer term parking provisions in relation to future developments.

Councillor Emma Webster advised that the review would take place in the form of a Task Group. Members who would be interested in contributing towards the review were requested to contact David Lowe.

Councillor Paul Bryant advised the Commissions that he would like to see a review of the Council's parking policies. He suggested that concerns raised by residents might be addressed if the policies were clearer.

In response to points raised by the Commission, Councillor Emma Webster advised that the Task Group would consider general issues (across the district) and specific issues (which had previously been raised).

Resolved that:

- 1) The Terms of Reference for West Berkshire Parking was accepted by the Commission.
- 2) Volunteers for the West Berkshire Parking Task Group should contact David Lowe.
- 3) The work programme was noted.

21. Items Called-in following the Executive on 10 September 2015

No items were called-in following the last Executive meeting.

22. Consideration of Urgent Items

There were no Urgent Items to be considered

23. Councillor Call for Action

There were no Councillor Calls for Action.

24. Petitions

There were no petitions received at the meeting.

25. Election review

The Commission considered a report (Agenda Item 11) concerning the Review of the May 2015 Elections. Nick Carter introduced the item to Members as the Returning Officer and stated that it would be another 20 years before a similar situation would occur again (Parliamentary, District and Parish/ Town Elections on the same day). However, he stressed that lessons could be learnt from the event to help develop preparedness and execution of Elections in the future.

Nick Carter proceeded to set the scene as detailed within the Introduction of the report. Members heard that the management and operational aspects of elections were dealt with by the Electoral Services Team who were part of the Strategic Support Unit. The team consisted of three core members who dealt with elections and electoral registration (Elections Manager, Electoral Services Officer and Elections Assistant). During busier periods the team was supported by other staff within Strategic Support and more widely across the Council and by non-Council employees.

It was agreed at an early stage to conduct the count over three days in the following Layout:

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- The Parliamentary Count immediately following the close of poll – a statutory requirement.
- The District Count on Friday 8 May commencing at 11.00am.
- The Parish/Town Count on Saturday 9 May commencing at 10.00am.

It was envisaged that the verification process would be complete by 01.00am and the Parliamentary Count concluded by 3.30am at the latest.

Members heard that, in Nick Carter's opinion, no significant issues had been identified in either the use of Polling Stations or the format of the Count. However, he highlighted that the lack of capacity of the Elections team had become evident at an early stage due to the volume of calls they had to manage on a daily basis. Whilst a project plan was put in place to oversee the overall Elections process, the programme was not robustly followed; the project plan lacked detail and the team reverted to previous methods of operation – relying on a smaller number of experienced staff.

Nick Carter proceeded to explain the events and issues associated with the Post Notice of Election (23rd March – 6th May). He advised that the Elections Team received a large number of District/Parish Council nominations just before the deadline - this placed significant pressures on the Election Team. In addition to this, the Council issued 23,131 postal vote packs for the Parliamentary Election and District Elections and a further 10,507 for Parish/Town elections. These packs contained a total of 47,809 votes. Nick Carter explained that it was not possible to include three ballot papers in a single pack due to printing constraints. Members were aware that some voters were confused by the multiple ballot papers they had received and that better communication could have helped.

The Elections Team ran a range of training courses for staff associated with the elections. Nick Carter suggested that the training could have been more robust so that support staff were better prepared to assist.

The challenges were compounded by the demands of 'overseas voters' requesting postal votes. The Elections Team received a significant number of phone calls regarding overseas voters which took a considerable amount of time to process.

Nick Carter explained that the team experienced a significant issue through the realisation that the Ballot Papers had been numbered incorrectly. The number of papers delivered was correct but there was an issue with the numbers which appeared on the Ballot Papers themselves as well. Members heard that the issue was exacerbated by the fact that the papers were delivered two days later than expected. Attempts were made to rectify the issue but due to time constraints this was not possible. As a result, contact was made with the software company but, due to the bank holiday weekend, the associated paperwork had to be manually amended.

Members heard that the venue and facilities for the Count on 7th May were ideal. The communication system in place was well received by every one and helped to keep people well informed. Nick Carter reminded the Commission that the verification process took far longer than anticipated but, as Returning Officer, he emphasised that his main focus was upon accuracy and not speed. He highlighted that, due to the late finish of the parliamentary count, some key staff did not leave the Racecourse until 6:45am and were then required to undertake the same role later that morning.

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The District Count commenced after a repeat verification of the ballot boxes. Nick Carter reiterated that his emphasis was around accuracy not speed. Once all boxes had been re-verified the District Count could begin. The Commission heard that an issue had occurred in respect of the Thatcham North seat. Nick Carter stated that this was a counting error which went undetected until after the Declaration. It was not possible to say whether the arithmetical error led to the declaration of an incorrect result. Nick Carter advised that due to the problems identified with the ballot paper numbering it was not possible to use the Election Management Software system. Had this been operational then it should have highlighted the error to the Control Table before it was declared.

The Commission was directed to point (5.23) of the report which listed the factors which attributed to the difficulties on that day: staff exhaustion; training, skill set and the role of the Control Table/ supervisors and availability of Election Management Software.

Councillor Emma Webster thanked Nick Carter for the report and welcomed questions from the Commission.

Councillor Von-Celsing stated that she had observed a member of staff struggling to count the ballot papers which had been placed in front of her. She asked Officers to explain how staff were selected for the role and whether checks were conducted to ensure they were suitable for the role. Phil Runacres advised that, due to the number of Elections, it was necessary to employ significantly more staff than usual. For this reason the team were unable to train every member of support staff but supervisors were asked to highlight anyone who they felt were unable to fulfil their role. Nick Carter explained how the Council were usually reliant on its own members of staff to support Elections but on this occasion the process required more support staff. Each person was requested to complete an online training course before they could partake in the count but it did not consider the persons abilities to count. Councillor Alan Macro suggested that the problem could have been exacerbated by the long working hours.

In response to questions asked by the Commission, Phil Runacres explained that the Election Management Software could not be used to streamline the count process because there was an earlier issue with the incorrect numbering on ballot papers. He stated that there was very limited opportunity to rectify the issue because the error was identified over a bank holiday weekend - the software support staff were not available over the bank holiday weekend. Nick Carter suggested that the issue highlighted, in hindsight, the importance of the Election Management Software to provide checks and assurance.

Councillor Paul Bryant asked for clarification regarding the process for sending multiple postal votes to residents. Phil Runacres stated that an external supplier provided the postal service on behalf of the Council. The provider was unable to include multi ballot papers because of the complexities caused by different franchises, the large size of many of the Parish Council ballot papers and the fact that it was not known until the close of nominations which Parishes/Parish Wards would be contested.

Councillor Mike Johnston asked whether the count could start after the parliamentary boxes had been verified and whether the polling station's material could have been stored at the facility the night before, to avoid running items around the district on the day of the Elections. Phil Runacres advised that some ballot papers may have been misplaced into other ballot boxes so for this reason it was not viable to start counting before all boxes had been opened and verified. Also, some Presiding Officers decided to visit their polling station the night before in order to check that all the necessary polling

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screens were readily available - admittedly not all Officers conducted the same checks but there was no requirement for them to do so. The polling screens were delivered by an external company and it was noted that there were a few issues with the number of screens delivered. Clare Ockwell advised that there were two vans on standby to deliver additional screens as and when they were requested by Presiding Officers.

Councillor Webster thanked Members for their questions and asked Tony Vickers to address the Commission as the Liberal Democratic Agent

Tony Vickers stated that he was appointed as agent one month before the deadline. He found Clare Ockwell and Phil Runacres both to be extremely helpful and he sympathised with the team due to the pressures they had faced. The pressures were exacerbated by the late submissions by candidates and volume of postal votes – which had been discussed previously.

However, he suggested that it was reasonable to assume that seats would be contested for Town and Parish Council seats. For this reason the team should have been better prepared for such an eventuality. Tony Vickers suggested that the issue could be resolved if the Council held yearly Elections. He stated that issues had been raised regarding the skill set of support staff so he suggested that regular elections would ensure staff were familiar with the process. Tony Vickers suggested that, by introducing annual Elections, there would be fewer Polling stations required, fewer training sessions and the process could be financial beneficial as well.

Councillor Webster thanked Tony Vickers for his comments and welcomed the Commission to comment.

Councillor Ian Morrin highlighted an issue with the Polling station at Burghfield. He advised that there was restricted disabled access and for this reason some residents were unable to vote. Nick Carter acknowledged the issue around accessibility and advised that he would review the concerns which had been raised.

Councillor Laszlo Zverko highlighted that he had visited three Polling Stations and that each of them had inadequate signage to advise residents how many votes they could use for each ballot paper. He was concerned that residents did not use all their votes due to the lack of notice within the stations. Nick Carter was surprised to hear that notices were inadequate as they were in accordance with legislation and in a format agreed by the Electoral Commission. He stated that he visited a number of stations and marked them against a standard checklist – from this he did not report any issues regarding signage but he acknowledged the comments which had been made. Councillor Webster challenged Councillor Zverko's concern by stating that each ballot paper indicated the number of votes they were entitled to and that confusion could be minimised if Councillors' mentioned the process when speaking to residents in advance of the Elections. Members noted that residents were entitled to vote 'up to' their allowance – which did not mean they had to use all votes available.

Councillor Bryant suggested that candidates with their name listed at the top of the ballot paper were 10% more likely to receive votes than those listed elsewhere on the same paper. He also stated that a number of external signs were difficult to read/see due to the weather conditions. He suggested that better signage would ensure residents could locate their polling station with ease.

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Councillor Johnston advised that the next set of Elections would fall near the bank holiday weekend again. He suggested that if this was likely to reoccur then the Elections team should ensure this was factored into their project plan. Nick Carter agreed with the suggestion.

Councillor Johnston suggested that staff could support/ observe other Local Authority Elections in order to gain experience, awareness or direct training. Nick Carter explained that a set of standardised training was required with a robust training package available for Count Supervisors.

Councillor Alan Macro supported the suggestions that staff could observe neighbouring Councils Election process. He wanted to highlight the issues associated with the Theale Polling Station set away from the main High Street. He advised that the signage was inadequate and due to the turnover of residents in the area it was important that the locations were clearly marked.

Councillor Dave Goff wanted to extend his appreciation to everyone who was involved in the Elections process. However, he also expressed his frustrations that the Thatcham North result could not be challenged once declared, other than by way of an electoral petition to the High Court.

Councillor Webster concluded by comparing the order of processing at neighbouring Counting venues; She advised that the verification process at the Racecourse was challenging but she extended her thanks to everyone involved in the process. Councillor Webster specifically thanked Phil Runacres, Clare Ockwell and Nick Carter for their commitment and support throughout.

Resolved that:

1) The following recommendations were accepted by the Commission:

- A. That a more detailed and robust project plan is developed six months prior to the election count.
- B. That project management principles are used to oversee, review and refresh the project plan and its implementation, in particular regular meetings are put in place involving the returning officer, the elections team and senior managers in strategic support to review implementation of the plan.
- C. That greater attention is paid to the future resourcing of elections, in particular where their scale is likely to require a much wider engagement of staff beyond the immediate elections team. Resourcing requirements and a detailed assessment of responsibilities should form part of the project plan development.
- D. A detailed "frequently asked question" sheet should be prepared so that the contact centre could manage any generic queries on behalf of the elections team.
- E. A communication plan should be developed to explain complex or unusual aspects of the voting process to the public beforehand.
- F. A review of the way in which elections agents are briefed should be undertaken with a view to minimising nomination forms being returned at the last minute.

26. Review the outcomes of the Children's Services Ofsted inspection (March 2015)

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The Commission considered a report concerning the progress of Children's Services subsequent to their Ofsted grading of 'inadequate' issued in May 2015. Mac Heath (Head of Children and Families Services) introduced himself to the Commission, stating that he had been in post since June 2015.

Six months had passed since the grading was published and in that time a lot of work had been undertaken – which was highlighted within the report. The key point to note was that the Improvement Action Plan had been developed in response to the Ofsted report and clearly set out the vision for children, young people and families.

The Improvement Plan showed how the Improvement Commitments linked to Ofsted's recommendations and showed what would be measured, monitored, observed or established to demonstrate that the service met their commitments. Each section of the plan contained SMART actions with target dates and a lead officer who had responsibility for completing them.

Mac Heath explained that the Secretary of State showed confidence in the Council's ability to improve the service with minimal intervention; the plan had been accepted as a constructive tool to track the improvement journey. Since the plan was publically accepted, in August 2015, it had been confirmed that the Improvement Partners to work alongside the service would be an organisation called Exploring Choices.

Mac Heath wanted to emphasise that the plan showed a number of red statuses and these indicated that the plan was ambitious. However, the service still recognised the need to complete the items so deadlines had been rescheduled.

Members heard that concerns had been raised regarding the leadership and culture within the service. Mac Heath advised that a number of management roles had secured permanent staff (from previously temp/ contracted posts). Mac Heath explained how it would help to demonstrate that the service was committed to its staff which in turn would help to shape an improved culture.

He concluded by stating that he would use every available opportunity to provide updates (Local Safeguarding Children's Board, Overview & Scrutiny Management Commission and Children's Improvement Board) to ensure the service was transparent in its improvement journey – he wanted to ensure the plan received robust challenge in various forums.

Councillor Alan Macro was disappointed to see that a review of Test of Assurance on the Director post had been postponed. Councillor Lynne Doherty advised that the review was postponed in order to allow time to consider the best way forward. The service was committed to conducting a review and this would take place in due course.

Members proceeded to focus their discussions around the items which had been reported as either 'amber' or 'red'. The Commission heard that, in many cases, an item would be deliberately categorised as 'amber' although the action had been completed. This was to allow sufficient time for the action to be embedded within the service. Lynne Doherty stressed that numerous changes required cultural improvements and it was recognised that this would take time to embed.

Councillor Emma Webster asked whether the service had an overall deadline for the delivery of commitments stated within the plan. Lynne Doherty suggested that 15 months would be a reasonable final deadline but the main focus was around making sure the actions were sufficiently embedded.

Members discussed the process of selecting services from Ofsted. Mac Heath advised that the package offered by Ofsted was not entirely fit for the needs of West Berkshire

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Children's Services. So they would undergo negotiations to select certain elements of the package which would offer benefits to the overall improvement programme.

Councillor David Goff asked how the service envisaged that they would meet the 'Good standard'. Mac Heath stated he had first-hand experience of this process so understood that Ofsted could provide interval checks in order to gauge the direction of the service but this was not a formal review. An assessment of improvement could only be judged when a full review took place.

Members were informed that the Improvement Plan would be assessed by the Commission to ensure it continued to receive robust challenge. It was agreed that Members would receive another update in 3 months time – December 2015.

Resolved that:

- (1) Members would receive an update report in 3 months time – December 2015.
- (2) The report was noted.

27. Delayed Transfer of Care

The Commission considered a report concerning Delayed Transfers of Care (DToC) in West Berkshire. Tandra Forster (Head of Adult Social Care) reminded Members that the item was previously considered by the Commission due to the concerns raised about the poor performance of the Council in comparison to national statistics.

Tandra Forster explained that, since the previous review, DToC figures had significantly improved with social care delays decreasing from an average of 9.0 to 4.5 people per 100,000 population.

Members heard that section 2 of the report detailed how the Maximising Independence Team had managed the improvements through the focused efforts of managers overseeing the following:

- In reach hospital link workers based on acute hospital sites could ensure a close dialogue with Health hospital discharge teams before point of referral. This enabled staff to get to know people at an early stage to understand their likely social care needs.
- Referrals were responded too in a more timely manner. The teams proactively worked to the principle of engaging with patients from the point of admission rather than point of discharge, linking with the Council re-enablement team to maximise rehabilitation opportunities and facilitate safe and timely discharge.
- Engagement with Health managers before formal notification to the Department of Health to ensure that data on delayed transfers is accurately reported as part of the DToC Situation Report (SitRep).

Tandra Forster advised that helping clients from rural areas to return home presented challenge due to limited capacity with external homecare providers. This placed the Council's in-house reablement team under pressure as they were having to hold on to clients for longer than they needed reducing access for new people.

Members heard that Adult Social Care (ASC) was committed to continuing good progress and new ways of working in partnership with health partners. The work would include the development of the Joint Care Provider (JCP) project under the Better Care Fund

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programme of work. The project involved the Council and Berkshire Healthcare Foundation Trust pooling their resources to avoid duplication of services to support timely hospital discharges.

In addition to this, work was underway to develop a 7 day social care response. The plans were in the early stages and some minor changes had been introduced without making any formal adjustments to staff working patterns. The approach was introduced in June 2015 with a sole focus on the Royal Berkshire Hospital. Since then the scope had widened to include North Hampshire Hospital and Great Western Hospital. The impact had been closely monitored and data collected on a daily and weekly basis. The feedback received so far suggested that the changes were effective; should it continue to prove successful then the service would undertake a formal consultation.

The Commission heard that, given the significant improvements in performance and mitigations in place, it was recommended that the DToC item was removed from the Work Programme. Tandra Forster advised Members that the topic was also considered and scrutinised through the Health and Wellbeing Board and local service plans.

Councillor Alan Macro asked whether the changes had resulted in patients being discharged too early; concerned that the emphasis on reducing delays had created unnecessary panic. Tandra Forster advised that it was the overall decision of the Hospital Consultants to discharge patients – the Council supported the patients upon instruction.

Councillor Paul Bryant asked for information regarding capacity within residential care homes and availability of support staff. Tandra Forster advised that there were no particular issues to report; the service had Commissioned fewer beds last year due to a continued focus on supporting people within their own homes. It was acknowledged that recruiting staff within the care sector was challenging; the line of work was difficult and not particularly attractive to many. Adult Social Care aimed to avoid using agency staff within Council owned care homes. Tandra Forster was unable to comment on the percentage of agency staff in private care homes. It was agreed that Tandra Forster would report back to the Commission with the percentage of agency staff used within Council owned care homes.

Councillor Ian Morrin asked whether the services collected information regarding the readmission rate of patients. Tandra Forster advised that such data was not collected by the Council but she would discuss the request with Health Partners and try to provide a response back to the Commission.

Resolved that:

- 1) Tandra Forster would confirm the percentage of agency staff versus permanent staff used within Council owned care homes.
- 2) Tandra Forster would discuss the availability for readmission statistics with Health Partners and report her findings to the Commission.

The item would be removed from the Commission's work Programme

28. Revenue and capital budget reports

The Commission considered a report concerning the financial performance for Q1 of the 2015/16 financial year. Melanie Ellis (Chief Accountant) advised Members that current forecasted revenue position was an overspend of £987k.

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The Commission heard that the overspend predominantly originated from Children's Services who were forecasting an overspend of £1.9m. The Service and Directorate introduced a range of actions to help reduce the overall overspend by year end. Adult Social Care forecasted an underspend of £877k, as a result of releasing £400k from the risk reserve and capitalising over £400k of equipment expenditure which was previously funded from revenue budgets.

Councillor Laszlo Zverko asked how much the service expected to reduce the overall underspend by through proposed actions. Melanie Ellis advised that it was too early to know.

Councillor Alan Macro acknowledged that £400k of the risk fund had been utilised in order to reduce the current overspend but he was concerned that the risk fund might be required later in the year and he subsequently asked how much of the reserve was left. Melanie Ellis advised that she did not know the exact amount of the reserve fund remaining but that she would report back to the Commission with a definitive response. Members heard that the risks within both services were still present and she suggested that an assessment had been made by the Directorate of the likelihood of all risks arising and it was felt that £400k could be released at this time.

Councillor Rick Jones asked whether Adult Social Care had reprioritised the delivery of services in order to forecast a significant underspend. Melanie Ellis advised suggested that Members would receive a comprehensive response from Tandra Forster.

Resolved that:

- 1) Melanie Ellis would confirm the remaining value of the risk reserve
- 2) Tandra Forster would be requested to detail whether activities within Adult Social Care had been re-profiled in order to increase the forecasted underspend.

29. Performance Report for Level One Indicators

The Commission considered a report (Agenda Item 15) concerning the Key Accountable Performance outturn report for quarter one 2015/16. Catalin Bogos (Performance, Research and Consultation Manager) informed Members that it was the first report issued since the performance management methodology had been revised. This was also the first performance report on the new Councils Strategy approved by the Council in May 2015.

The current report contained 27 key measures, of which 19 were available at the end of Q1. Fourteen of these measures were reported as 'green' and 5 were reported as 'Amber'. Catalin Bogos advised that the amber items predominantly related to Children's Services' performance measures, however, exception reports were requested for all items reported as amber and then detailed within the main body of the report.

Councillor Alan Macro was concerned to read that the majority of amber items related to Child Protection processes, most notably because the Commission had received an update from the Head of Children's Services earlier that evening and was led to believe that progress was being made.

Councillor Macro stated that it was unfortunate to see that some key performance measures had been withdrawn from the report, empty houses being one of those. He highlighted that the previous reports suggested that the performance was outside the target level which had been set and that it was a shame to lose sight of these.

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Councillor Emma Webster reminded Members that a task group would meet the following week to consider the current set of measures and to note that these should be closely linked to the Council Strategy.

Catalin Bogos reminded Members that the previous performance reports included a basket of indicators that provided progress updates against the previous Council Strategy and that the report considered by the Commission reflected the new basket of indicators used to monitor the delivery of the new Council Strategy 2015-2019. In addition, the revised performance management methodology allowed services to propose new targets if it provided a more accurate reflection of the performance challenges/ successes faced within their service.

Councillor Rick Jones asked for clarification regarding the term ‘core functions’. Catalin advised that a large number of measures could be included within the report as several hundred functions were undertaken by services within the Council. However, the Council was selective in the measurements it considered to be a priority – based upon whether the item directly linked to an element of the Council Strategy. Items referred to as ‘core business’ were not directly linked to the identified priorities of the Council Strategy but they were additional measure that contributed towards a fundamental, high profile, public facing service within the Council.

Councillor Laszlo Zverko highlighted the alarming figures detailed within graphs 13 and 14 of the report. Catalin advised that when compared to the national result, West Berkshire’s levels were similar (for 4-5 years olds) or significantly better (for 10-11 years old). The Commission heard that child obesity was an area of national concern but that it had also been picked up within the Joint Strategic Needs Assessment which was considered by the Health and Wellbeing Board.

Resolved that:

- 1) Catalin Bogos would provide clarification regarding the National Child Measurements Programme.
- 2) The report was noted.

(The meeting commenced at 6.30 pm and closed at 9.12 pm)

CHAIRMAN

Date of Signature