

Note: These Minutes have been amended. Please see Minutes of 9 October 2018 for amendments.

# **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

## **MINUTES OF THE MEETING HELD ON TUESDAY, 10 JULY 2018**

**Councillors Present:** Jason Collis, Lee Dillon, Marigold Jaques, Mike Johnston, Richard Somner (Vice-Chairman), Emma Webster (Chairman) and Laszlo Zverko

**Also Present:** Catalin Bogos (Performance Research Consultation Manager), Sue Brain (Service Manager, Safeguarding Adults), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Melanie Ellis (Chief Accountant), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), Tandra Forster (Head of Adult Social Care), Jessica Bailiss (Policy Officer (Executive Support)), Councillor Graham Bridgman (Executive Portfolio: Adult Social Care), Stephen Chard (Principal Policy Officer) and Councillor Rick Jones (Executive Portfolio: Corporate Services)

**Apologies for inability to attend the meeting:** Councillor Tim Metcalfe, Councillor Ian Morrin and Councillor James Podger

*(Councillor Richard Somner in the Chair)*

### **PART I**

#### **3. Minutes**

The Minutes of the meetings held on 10 April 2018 and 8 May 2018 were approved as true and correct records and signed by the Chairman, subject to the following amendment:

- Both Councillors Graham Bridgman and Lynne Doherty had been present at the meeting that took place on 10 April 2018.

*(Councillor Emma Webster joined the meeting at 6.02pm and proceeded to Chair the meeting)*

#### **4. Declarations of Interest**

There were no declarations of interest received.

#### **5. Actions from previous Minutes**

The Commission received an update report regarding actions recorded during the previous meeting. Actions 1 to 4 had either been completed or were in hand and could therefore be removed from the list of actions arising from previous Commission meetings.

Councillor Lee Dillon referred to the action carried over from 17<sup>th</sup> October 2017 regarding a review of the Terms of Reference (ToR) for the various scrutiny groups that were formed as part of the new model. Councillor Dillon could not see why this action had not been concluded. Stephen Chard confirmed that the ToR for each group were in place and therefore this could now be removed from the action list.

#### **6. Consideration of Urgent Items**

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There were no urgent items to consider.

### 7. **West Berkshire Forward Plan**

The Commission noted West Berkshire Council's Forward Plan (Agenda Item 6) for the period covering 17 July 2018 to 31 October 2018.

Councillor Lee Dillon referred to reference EX605 on the Council's Forward Plan (Devolution) and noted that there was no explanation for the item. Nick Carter confirmed that the purpose of the item would be to keep Members up to date with various arrangements underway with Parish Councils.

Councillor Emma Webster requested that acronyms be explained on the Forward Plan.

**RESOLVED that** a purpose would be added for EX605 and that acronyms should be written in full going forward.

### 8. **Overview and Scrutiny Management Commission Work Programme**

The Commission considered its Work Programme for the remainder of the 2018/19 Municipal Year.

It was noted that the new Council Strategy was listed under the Task Groups section of the Work Plan however, might need to come back to the Overview and Scrutiny Management Commission at a later date.

**RESOLVED that:**

- 1) The work programme be noted.

### 9. **Corporate Programme**

Nick Carter introduced the report (Agenda Item 8) which advised the Commission of the Council's Corporate Programme and its current areas of activity. The Commission was asked to consider projects requiring Overview and Scrutiny involvement.

The Corporate Programme highlighted major projects that were underway and was split into sections to aid its presentation. There were a vast number of infrastructure projects and a large ICT project underway. Projects were placed on the programme as a result of their size or complexity.

Councillor Mike Johnston noted that the project on the GDPR was not complete. Nick Carter reported that this was due to post implementation work. The GDPR had gone live across the Council and various follow up work was underway. Nick Carter stated that it would be particularly helpful for Members to take a look at this area. Councillor Emma Webster reported that Councillors James Cole and Ian Morrin were the representatives looking at this area in more detail.

Councillor Graham Bridgman highlighted that Corporate Programme needed to be updated to ensure the Member Sponsors represented the Portfolios accurately.

Councillor Lee Dillon queried the red areas of the Corporate Programme. He felt well informed about the areas detailed on page 31 however less so on the areas detailed on page 32 including the Shared Service for Legal, ePcs, the Social Care Replacement (CareDirector) and Digital Transformation of Training Courses.

Nick Carter explained that the Shared Service for Legal was scheduled to go to Corporate Board in August 2018. The project was behind schedule because further work was required on the business case. The ePcs project had been a challenge and Officers from West Berkshire Council would be meeting with Hampshire County Council, which

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was already using the system. Regarding the CareDirector project, there were outstanding issues that required addressing and Jo England (Client Financial Services Manager) was working on this. The Digital Transformation of Training Courses project had been slipped because ICT were having to deliver various projects on digitisation, so therefore it was a capacity issue.

Councillor Dillon requested that the spreadsheet include further detail that provided clear explanations for why projects were overdue and costs associated with this.

Councillor Johnston queried why for Superfast Broadband, two phases were red and one was green. Nick Carter explained that Phase 2 was Gigaclear and it was red because it was running late. Phase 3 was BT and the Council had been informed that this was running a year late. Phase 3 for Gigaclear involved rural areas of the district and it was expected that this could turn red at some point. Nick Carter believed that the delay in the projects was a result of sub-contractor availability.

Councillor Richard Somner noted that a number of the Schools Capital Projects were pending and queried why this was. Nick Carter stated that some of the projects marked as pending were active and needed updating.

Councillor Somner referred to the recent press release regarding the new Theale Primary School, which was at risk. Nick Carter stated that legal documentation needed to be signed by Theale Parish Council by 31<sup>st</sup> July 2018. Councillor Emma Webster had seen in the Newbury Weekly News that Theale Parish Council had called off a meeting due to bullying in relation to the new primary school. Nick Carter stated that he was aware of this and had been informed by the Parish Council that they had no intention of indicating their direction of travel and would not be driven by timescales. Nick Carter added that something would need to happen by the 31<sup>st</sup> July 2018 as there would need to be decisions regarding alternatives schools for pupils, who had been due to join the new school in September 2019.

*(Councillor Laszlo Zverko joined the meeting at 6.15pm).*

### **RESOLVED that:**

- The Corporate Programme include explanations as to why projects were overdue together with associated costs.
- The latest version of the Corporate Programme be noted.

## **10. Birchwood Care Home CQC Inadequate Update**

The Commission considered the report (Agenda Item 9). The report followed on from the one presented in January 2018 in relation to the Care Quality Commission (CQC) rating of Inadequate awarded to Birchwood Care Home following an inspection in September 2017. This update report provided a review of the progress achieved since September and outlined further actions required.

The follow up CQC inspection had taken place between 31<sup>st</sup> May and 2<sup>nd</sup> June 2018 and Sue Brain reported that it had been hoped that they would have the preliminary report in time for the Commission meeting however, it was not yet available. There would be no indication of the rating until after the report had gone to the CQC review panel. Once the report had gone through the necessary process it would be available for West Berkshire Council to challenge prior to final publication.

The report included as part of the agenda provided detail on work that had taken place since January 2018. It represented a snapshot of work taking place in June 2018. There was now a Registered Manager, Deputy Manager and Clinical Lead in post at Birchwood.

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There was still a struggle to recruit care workers however, this was a universal issue across the sector.

In November 2017 there had been a ratio of 35% permanent staff to 65% agency staff and this had improved to 52% and 48% respectively. It was hoped that these figures would continue to improve.

Councillor Emma Webster welcomed questions from Members of the Commission and suggested that they went through each page of the Birchwood Improvement Plan.

Councillor Graham Bridgman reported that he had visited the care home with Councillor Marigold Jaques and it had been very positive. The manager had seemed very efficient and much of the refurbishment work to the top floor had been completed. The colour of the walls had been toned down which was a huge improvement.

Councillor Lee Dillon asked what Officers expected the outcome of the inspection to be. Sue Brain explained that the most that could be achieved was to move up one level to 'Requires Improvement' and this was the same for any home rated as 'Inadequate' at the follow up inspection. Staff would work above and beyond to bring Birchwood up to the same level as all other homes in West Berkshire, which were rated "Good".

Councillor Webster noted that there were 60 beds at Birchwood and asked how many of these were filled. Sue Brain reported that there was a voluntary embargo in place. Of the 50 beds dedicated to residents with dementia, there were 11 vacancies. The remaining 10 beds were currently used as short term step down beds, where there were fluctuations in bed occupancy. The maximum time someone could stay in the step down unit was six weeks.

It was noted that in light of an increased rating, numbers at the home could increase. Tandra Forster reported that Birchwood had also helped with the West Berkshire Council's performance levels for Delayed Transfers of Care (DTC).

Councillor Jaques felt that very positive changes had been made to Birchwood, including the décor. The team at the home were working very closely with families, which was reassuring for Members. It was hoped that a 'Good' rating could be achieved in the future.

Councillor Dillon referred back to occupancy rates and queried if the voluntary embargo was not in place, if there would be enough demand to fill beds. Sue Brain confirmed that there would be. When an embargo was lifted it was done so in a phased approach to ensure a care home remained stable and that admissions were safe.

Councillor Webster moved on to look through the Improvement Plan in more detail.

### **Page 43**

Councillor Webster referred to the following action:

*Storage of medication from delivery, prior to allocation to trolley to be reviewed in respect of temperature of storage facility with options for solution obtained.*

It was asked if Officers were satisfied that this had been completed by 30<sup>th</sup> June 2018. Sue Brain reported a short term solution had been found and implemented and a long term solution was being sought. It was anticipated that the next step would be to look at an air-conditioning unit and it was likely that this would have costs attached.

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Councillor Webster noted that a Facebook and other social media campaign was in progress to help drive recruitment and asked if there had been a positive response via these methods. Sue Brain reported that there had been a rolling campaign across

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different types of media and a meeting would be taking place the following week to discuss how successful these had been. It was currently too early to tell how successful media such as Facebook had been in terms of recruitment at Birchwood. Tandra Forster added that these methods had been used elsewhere in Adult Social Care and had proved to be successful.

Councillor Webster noted that the Interim Manager was on a six month contract and asked if this could be extended. Sue Brain reported that the interim deputy manager would be able to apply for the role on a long term basis. She was an internal employee and therefore had a good knowledge of processes within the Local Authority.

Councillor Dillon queried the implementation of the bespoke training programme. Sue Brain confirmed that Public Health were delivering dementia training. Various training initiatives were back on track. Tandra Forster added that the Dementia Bus would be returning on 19th September 2018 and 13th March 2019.

Councillor Webster asked for further information on training in safeguarding and medication that would be delivered in-house. Sue Brain reported that there were three levels of safeguarding training and not all three levels were appropriate for all employees. There were various ways of delivering training including e-learning however, in her opinion safeguarding training was best delivered face to face and this was what had been done. Individuals requiring further levels of training were picked up.

Councillor Webster asked if Adult Social Care were satisfied with the way information had been handed over by Care UK and Sue Brain confirmed that she had not been part of the hand over processes.

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Councillor Dillon noted that the number of safeguarding incidents, CQ1 and complaints had declined since November 2017 for Birchwood. Sue Brain reported that complaints had dropped to a level that she would expect for a Care Home of that size.

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Councillor Webster referred to the following point under action taken:

*Paperwork and charts introduced to monitor nutrition and hydration. Other appropriate documentation relevant to a person's health and wellbeing introduced.*

Councillor Webster asked if Adult Social Care was satisfied with the information provided by Care UK. Tandra Forster reported that Care UK had used an IT system that the Local Authority had been unable to use, which had caused gaps in information that had needed to be filled. Councillor Webster stated that in the private sector a deep dive approach would have been used. Tandra Forster confirmed that the IT system had provided sufficient information however, technically the Local Authority was unable to adopt it.

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Councillor Somner queried if there was a struggle in providing these services and Sue Brain confirmed that there were struggles in accessing these services. Councillor Webster queried if a solution to the problem had been found and Sue Brain reported that the Local Authority had good relationships with partners in health. Having clinical staff at Birchwood was helpful as they could pick up issues requiring attention

Councillor Webster referred to the following point and asked if it had been implemented over the last six months:

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*Clinical lead and RGN/RCO's to ensure supervisions are structured sufficiently to delivery support to improve performance and quality and tackle poor performance through the capability process.*

Sue Brain reported that this point had been implemented. The capability process was robust however because the home had moved away from a high number of agency staff, many members of staff were still new in post and therefore the performance structure was still bedding in.

Tandra Forster added that regarding gross misconduct, action was always taken immediately and could end in dismissal. In the event that a member of staff did not hold the values required, they would go through a disciplinary process and would be dismissed if appropriate.

Councillor Bridgman stated that a shift from agency staff had made a huge difference to the way Birchwood operated. Councillor Bridgman however stated that they must not lose sight of the support that agency staff had provided over the years.

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Councillor Webster referred to the following point and asked if any lessons had been learnt from the thoughts and feelings experienced by staff at Birchwood:

*Staff Surveys undertaken since January 2018 and outcomes to be shared at June 2018 staff meeting.*

Sue Brain stated that the Registered Manager would be best positioned to answer the question as she did not have access to all of the responses. Staff surveys were something Adult Social Care liked to carry out on a regular basis to see how staff were feeling. Staff were now much more engaged at Birchwood and had recently held a party at the home with families. Engagement was at a much higher level than it had been seven to eight months ago. Councillor Bridgman commended the efforts of the Registered Manager in increasing the level of engagement amongst staff.

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Councillor Webster asked if the Disclosure and Barring Service Checks (DBS) had been updated accordingly and Sue Brain reported that the recruitment policy had been changed to reflect changes and this had been through the Human Resources Department.

Councillor Webster thanked Sue Brain for her report. Sue Brain added that Birchwood was work in progress and was constantly changing. The refurbishment had been a positive step and had provided a feeling of calm. The refurbishment to the top floor was almost complete. Sue Brain was unsure what the report would reveal however, the team would deal with it accordingly.

Councillor Bridgman highlighted a piece of work taking place across the piece regarding the use of agency workers. Employees on temporary contracts could now be sought via a staff bank rather than approaching agencies and the Commissioning Team and Human Resources were conducting this piece of work.

Councillor Webster concluded that subject to the findings of the CQC report, it would be helpful for Sue Brain and Tandra Forster to return to the Commission meeting in October 2018 so that progress could be tracked. Councillor Webster requested that the team that had helped with the transition of Birchwood Care Home be thanked on behalf of the Commission.

**RESOLVED that:**

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- 1) The update be noted.
- 2) An item on Birchwood Care Home be added to the OSMC Work Programme for October 2018.

### 11. **Key Accountable Performance 2017/18: Q4**

The Commission considered the report (Agenda Item 10) which outlined quarter four outturns for the key accountable measures which monitored performance against the 2017/18 Council Performance Framework; provided assurance that the objectives set out in the Council Strategy and other areas of significant activity were being managed effectively; presented, by exception, those measures that were RAG rated 'red' (targets not achieved) and provided information on any remedial action/its impact; and recommended changes to measures/targets as requested by services.

The Commission was responsible for scrutinising Q4 outturns and with considering topics for more detailed investigation.

Catalin Bogos stated that exception reports were included within the report and invited questions from the Commission.

Councillor Lee Dillon noted that only two thirds of the targets had been achieved. This did not align with the 80/20 (green/red) split that had been referred to in previous years. He accepted that targets were ambitious but in a third of cases they had not been achieved and the targets were there to improve services for residents. Catalin Bogos noted that there were a number of targets set at 25%. The aim was to be within the top 25% of best achieving authorities nationally and positive progress had been made. However, other authorities were also improving and in some cases faster than West Berkshire Council. Effort would be made to ensure target setting was realistic.

Councillor Emma Webster referred to planning targets and queried why targets were being set below the previous year's performance. Catalin Bogos reported that targets had been set in agreement with the Industry Forum. There had been significant challenge at Corporate Board to analyse what the implications of this were.

Nick Carter stated that he was interested to see statistics for Development Control and felt that targets were being set too low. Processing times were relatively poor and fewer applications were being determined. Nick Carter confirmed that targets would be reset to 80% or higher. There was a good degree of challenge in this area and therefore it was anticipated that the situation would be turned around by Quarter 1 (2019).

Councillor Webster noted that the target date had been changed and queried the rationale behind this. Nick Carter reported that this was a result of the New Ways of Working. Planning Policy supported the appeal process and as a result there had been slippage in the Local Plan timetable.

Councillor Dillon referred to the Local Plan and the Minerals and Waste Local Plan and asked what risk was associated with moving the deadline for submission of these documents to April 2020. Nick Carter could not confirm the risks that existed and he was unable to comment on the technicalities. A written reply would be required on this from Development and Planning.

Councillor Webster queried if there was potential for future challenge in light of recent changes by Government to policy. Nick Carter suggested that it would be worth considering a New Ways of Working Review.

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Councillor Rick Jones referred to Councillor Dillon's point about target setting. It was important that the organisation continued to improve however it was about how far they were prepared to stretch services.

Nick Carter reported that there was little control over some of the targets set. For example targets around broadband were set externally. It depended on what targets were chosen as to what level of control there was. Red targets were concentrated in certain areas, for example Education, and therefore the Commission might wish to debate these particular areas at a future meeting.

Councillor Dillon noted that vast majority of the red targets were people based. He then referred to exception reports and stated that many of these reports referred to vulnerable groups, of whom the Local Authority was there to serve and protect. In some cases the authority was tied to national targets for example around KS4 results. Councillor Webster concurred with Councillor Dillon and felt that Ian Pearson should be approached. Councillor Webster asked if it was acceptable if an area like West Berkshire was achieving just above the national score. Many jobs required certain GCSE result and if these grades were not being achieved then questions needed to be raised about how the issue was going to be resolved.

Councillor Jones commended Catalin Bogos on the quality of the Performance Report and the clear information provided. Councillor Webster concurred and stated that the level of detail on complex information, which was presented in a very understandable format was a credit to him. Catalin Bogos used the opportunity to thank his team and those had who provided information from other teams.

### **RESOLVED that:**

- (1) A written reply be provided by the Minerals and Waste Team regarding the risks associated with moving the deadline to 2020.
- (2) A possible review of the New Ways of Working be considered.
- (3) Ian Pearson to be asked about Education targets achieving just above the national score and actions in place to resolve particular issues such as KS4 GCSE results.

## **12. Revenue Financial Performance 2017/18 - Provisional Outturn**

The Commission considered the report (Agenda Item 11) which informed Members of the provisional revenue outturn for 2017/18. The Executive, at its meeting on 14 June 2018, resolved that the report should be referred to the Budget Scrutiny Task Group for further review.

Melanie Ellis summarised that the Council's provisional outturn was an overspend of £276k, which represented 0.23% against a net revenue budget of £117.4million. The chart on page 136 of the agenda showed how this overspend was spread across the Directorates.

Councillor Lazlo Zverko asked if the overspend figure was likely to change and Melanie Ellis confirmed that the figures had been through audit and therefore it was unlikely.

Councillor Lee Dillon asked why an increase at month eight could be seen for the Communities Directorate. Melanie Ellis confirmed that she needed to look at the detail on this to provide an explanation so would ensure she brought it along to the first meeting of the Budget Scrutiny Task Group on 16<sup>th</sup> July 2018.

### **RESOLVED that:**

- (1) The report would be referred to the Budget Scrutiny Task Group for further review.



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(2) Further detail on month eight for the Communities Directorate be provided for Members at the Budget Scrutiny Task Group.

**13. Capital Financial Performance 2017/18 - Provisional Outturn**

The Commission considered the report (Agenda Item 12) which informed Members of the provisional capital outturn for 2017/18 and the likely impact of this on the 2018/19 Capital Programme.

Council Lee Dillon noted that capital finance was about spending and property investment was about generating money. He wondered how the level of income expected to be generated would be reported.

Nick Carter reported that the Council received regular reports from its property agent which detailed performance against investments. However it was intended that this information and the forecast level of income would be reported in the quarterly revenue budget monitoring reports.

Gabrielle Esplin confirmed that forecast income from investment property was on target.

**RESOLVED** that the Commission noted the report.

**14. Items Called-in following the Executive on 14th June 2018**

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

**15. Councillor Call for Action**

There was no Councillor Call for Action.

**16. Petitions**

No petitions were presented at the meeting.

*(The meeting commenced at 6.00 pm and closed at 7.20 pm)*

**CHAIRMAN** .....

**Date of Signature** .....