

# DRAFT

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## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

### MINUTES OF THE MEETING HELD ON TUESDAY, 23 FEBRUARY 2016

**Councillors Present:** Paul Bryant (Substitute) (In place of Virginia von Celsing), Anthony Chadley, Dave Goff, Mike Johnston (Vice-Chairman), Alan Macro, Ian Morrin, Richard Somner, Emma Webster (Chairman) and Laszlo Zverko

**Also Present:** Catalin Bogos (Performance Research Consultation Manager), Andy Day (Head of Strategic Support), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), Tandra Forster (Head of Adult Social Care), June Graves (Head of Care Commissioning, Housing & Safeguarding), Mac Heath (Head of Children and Family Services), Andy Walker (Head of Finance), Rachael Wardell (Corporate Director - Communities), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Steve Ardagh-Walter, Councillor Clive Hooker, Councillor Rick Jones and Councillor Virginia von Celsing

#### PART I

##### 55. Minutes

The Minutes of the meeting held on 5 January 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

- Page 9, paragraph 4 should state: *Steve Ardagh-Walter*.

##### 56. Declarations of Interest

There were no declarations of interest received.

##### 57. Actions from previous Minutes

There were 7 actions followed up from previous Commission meetings, the following points were noted:

**Item 2.4:** Councillor Alan Macro suggested that more could be done to encourage residents to return equipment. In his view there were items which could be returned but that remained in the possession of their previous users.

**Item 2.7:** Councillor Macro supported the recommendation but insisted that a range of payment methods should continue to be offered and clearly referenced on notice boards.

**Resolved that** the report be noted.

##### 58. West Berkshire Forward Plan 10 February 2016 to 31 May 2016

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 10 February 2016 to 31 May 2016.

David Lowe reminded Members that the item provided an opportunity to consider the need to conduct scrutiny on future planned topics scheduled for the Executive.

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Councillor Emma Webster highlighted, within item C2998, that the allocation of representatives on the Outside Body for the Royal Berkshire Fire and Rescue Service (RBFRS) was required on a four yearly basis.

*Since the meeting it was confirmed that while the majority of appointments were made for four years there are certain appointments that need to be made annually - the appointment to the RBFRS was one of these (Moirra Fraser – Democratic Services Manager).*

**Resolved that** the Forward Plan be noted.

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

The Commission considered its work programme for 2015/2016.

David Lowe introduced Appendix B. The report detailed the findings of a Task Group following a review into the methods by which scrutiny of the Children and Families service could be conducted. It concluded that a panel should be established and:

- Comprise 4 Councillors;
- Meet on a quarterly basis;
- Determine its own work programme, providing annual reports to the Overview and Scrutiny Management Commission.

David Lowe introduced Appendix C which detailed changes to the operation of the Standards and Effectiveness Panel. Members heard that the Standards and Effectiveness Panel was established in 1998 to provide a forum for Councillors to engage with schools. The forum offered an opportunity to scrutinise performance within the relative informality of an open debate with senior management teams. The report set out a number of changes to the Panel's operation to ensure that it remained appropriately focused on the Council's priorities.

David Lowe explained that although the Panel was separate and autonomous, the Council's Constitution required that changes to the Panel's operation must be approved by the Overview and Scrutiny Management Commission.

Councillor Alan Macro requested that reports generated by the Panel were submitted for consideration by the Commission. He proceeded to comment on the number of members which formed the panel (detailed within sub-point 3 of section 2.3). Rachael Wardell advised that, although the number appeared relatively high, it increased the likelihood that Councillors would be represented at meetings.

**Resolved that:**

1. The Housing Grants and Loans Task Group would be added to the Work Programme;
2. Findings detailed within appendix B, Scrutiny of the Children and Families Service, be accepted;
3. Appendix C - Re-designation of the Standards and Effectiveness Panel be accepted;
4. The changes to the work programme be noted.

### 60. **Items Called-in following the Executive on 11 February 2016.**

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

### 61. **Consideration of Urgent Items**

The Commission were requested to consider an urgent item in regarding to the following:

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*The Council conducted a public consultation exercise (Phase 1) on its 2016/17 budget which ran from 3 November through to 14 December. The consultation contained 47 separate public consultation proposals which amount to £4.6m. This was part of a £10.8m package of savings proposals.*

*Shortly before Christmas the Government consulted the Council on its proposed Revenue Support Grant (RSG) proposals for the next four years. The consultation proposed that the Council have its RSG reduced by 44% in 2016/17 effectively meaning that the Council had to find a further £7m in order to deliver a balanced budget.*

*The Council is now conducting a Phase 2 public consultation exercise which will run from 15 January 2016 to 7 March 2016.*

*At its meeting on 1 March the Council will be required to set its 2016/17 budget which will mean that all Phase 1 savings proposals will need to be considered and determine as part of this process.*

*It is proposed that Phase 2 of the public facing savings proposals be reported back to the Executive on 24 March (not the 21 April as stated on the current forward plan) for them to make appropriate decisions. This change of date is so that all of those impacted by Phase 2 proposals are informed as early as possible.*

Members were reminded that the introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 included a requirement to publish 28 clear days' notice of any intended key decision on the Forward Plan. On occasions, however, situations arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. The process for taking an urgent decision without giving 28 days' notice requires the authority to consult all Members of the Overview and Scrutiny Management Commission to explain to them what the decision is about and why it is urgent.

Therefore, Members of the Commission would be consulted prior to the item being discussed by the Executive on the 24<sup>th</sup> March 2016 as an urgent item.

Andy Day, Head of Strategic Support, explained that a great deal of work and time was required in order to upload consultation responses and prepare the report in readiness for the Executive on 24<sup>th</sup> March 2016 – following closure of the Phase 2 Consultation. He reminded Members that it had previously been agreed that the Executive would consider the Phase 2 results in April, however, the date for consideration had moved in order that actions could commence and impacted parties could be informed at the earliest opportunity.

Members heard that the Phase 1 proposals would be considered at the Council meeting on 1st March 2016. The meeting would not consider the outcome of the Phase 2 consultation as this would still be in progress at the point of the meeting.

Members discussed whether the Council meeting on 1st March 2016 could be postponed in order to consider the outcome of the Phase 2 consultation. Andy Walker, Head of Finance, advised that the Council had a legal requirement to deliver a balanced budget by 11<sup>th</sup> March 2016. He stated that, in his judgment, changes could be made after the 11<sup>th</sup> March 2016 if necessary and could consider using the Transitional Grants. As Chief Finance Officer he was confident that the current methodology was acceptable.

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Councillor David Goff highlighted that the task of the Commission was to consider which group should be requested to consider the findings of the Phase 2 consultation. Members concluded that the urgent item should proceed to the Executive on 24th March 2016.

**Resolved that** the urgent item would be considered by Executive on 24<sup>th</sup> March 2016.

### 62. Councillor Call for Action

There were no Councillor Calls for Action.

### 63. Petitions

There were no petitions received at the meeting.

### 64. Delivery of Council Strategy.

The Commission considered a report (Agenda Item 11) outlining the progress of delivery against the Council's Strategy – Priority 5: Good at safeguarding Children and Vulnerable Adults.

Mac Heath, Head of Service for Children and Families Services, introduced the report and outlined the Key Performance Indicators detailed within Appendix A. He elaborated on those items which had been detailed in the exceptions report – Appendix B.

**P&S1c&f01 – To reduce the percentage of posts that are filled by agency staff:** Mac Heath explained that the service continued to work hard to address Social Worker recruitment and retention challenges. Reducing reliance on agency staff remained a top priority within the service and overall performance against the indicator was moving in the right direction.

Members heard that the service explored various ways to address the challenge but it was important to note that agency staff received higher pay and consequently any encouragement to join the Council, as a permanent member of staff, had to stand against the prospect of reduced wages.

**P&S1c&f05 - Percentage of repeat referrals to Children's services within 12 months of a previous referral:** Mac Health outlined that such cases might return to the service due to changing circumstances within the home or a relationship. He advised that performance was heading in the right direction – below that of the comparator authorities and the national average.

For the avoidance of doubt, Rachael Wardell advised that the service expected to achieve a percentage within the target range and that deviance from this would warrant further investigation. The service did not drive performance to achieve targets which could introduce unwanted behaviours. It was expected that the performance levels might fluctuate but this would not generate concern so long as it fluctuated within the expected range; although the service aimed to achieve performance within the targeted range it was far more important to ensure safeguarding and support was the main priority overall.

Catalin Bogos, Performance, Research and Consultation Manager, advised that a revised benchmark range was agreed at Corporate Board and brought performance indicators in line with other Local Authorities.

Councillor Emma Webster asked whether the current benchmark considered the required performance levels in order to achieve a 'Good' rating by Ofsted. Mac Heath advised that the service obtained learning from previous inspections and compared performance against other Local Authorities in terms of 'what Good looks like'. It was of paramount

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importance to ensure the service continued to act appropriately and promote good practice.

Members noted the remarks by Officers and requested that the terminology used within the report was revised – to clarify performance overall.

Councillor Webster concluded that the service was striving to achieve an Ofsted rating of 'Good' and the question remained – what should the service measure their performance against in order to achieve the rating.

**P&S1c&f07 – To maintain a high percentage of (single) assessments being completed within 45 working days:** Mac Heath stated that the measure considered cases from the first point of contact with the service.

He advised Members that the Q3 results for the measure showed a positive increase in the percentage of cases assessed within 45 working days – 96% as at January 2016. The service conducted daily scrutiny of single assessments which remained open and continued to monitor levels on a monthly basis and cumulatively for the purpose of annual targets.

**P&S1c&f11 – To increase the percentage of children subject to a Child Protection (CP) Plan that have received a visit within the past 10 working days:** Mac Heath advised that a statutory visit was expected within 10 working days of a CP plan being implemented. He advised that the Q3 results showed an increase to 90%. He emphasised that the situation was challenging, the number of children subject to CP plans had increased, but evidence showed an improving picture overall.

Mac Heath was confident that visits were conducted within the specified timescales but, he stressed, Officers had to record the visit in order to demonstrate that it had taken place. Mac Heath advised that CP visits would not be acknowledged until records had been updated. He advised that, with this stringent approach, the situation was improving.

Councillor Richard Somner requested that the number of cases brought through to the beginning of Q1 was detailed within the report to provide context.

Councillor Webster suggested that it might be useful to set a target which focused specifically on the speed of recordings. Mac Heath acknowledged the suggestion and stated that whilst the situation was improving he would be inclined to keep existing indicators but would be open to changes in due course.

**P&S1c&f17 – Percentage of Looked After Children with Health Assessments on time:** Mac Heath advised that the service worked in conjunction with Health staff and good progress had been made to date. The Q3 results indicated that 97% of LAC had had a Health Assessment which was testimony to the hard work of the team. The indicator was monitored in a variety of forums, including the Local Safeguarding Children's Board, and would continue to be a focus area going forward.

**P&S1c&f21 – Percentage of Care Leavers with Pathway Plans:** Mac Heath stated that the level of engagement from Care Leavers varied which affected the ability to develop a Pathway Plan. He stressed that the young adults were not required to engage with the service to the same degree as other ages however, the team continued to encourage their participation. Q3 results indicated that the measure was improving – 95% of Care Leavers had Pathway Plans in place.

Rachael Wardell advised that there were specific groups for which a Pathway Plan would apply and that two of these specific groups already had 100% coverage. Every young person leaving care should have a Pathway Plan in place.

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Mac Heath explained that a higher number of teenagers were entering care and this placed a pressure on services to provide Pathway Plans (where applicable) in order to increase independence.

**P&S1c&f22 – Percentage of Looked After Children in family settings:** Mac Heath stated that the performance level had improved since the end of Q1 which showed the benefits of the Social Workers recruitment strategy.

Members thanked Mac Heath for his presentation and welcomed Tandra Forster to present information regarding the performance of Adult Social Care Services.

Tandra Forster, Head of Adult Social Care, highlighted the exceptions reports detailed within Appendix B of the report.

**OP2asc13 – Proportion of clients with Long Term Support (LTS) receiving a review in the past 12 months:** Members were informed that the Q3 safeguarding statistics showed that 83% of clients with LTS had received a review in the past 12 months. Tandra Forster explained that approximately 1500 people were in receipt of LTS and the demand on services was increasing.

**OP2asc15 - Proportion of people (65+) who were still at home 91 days after discharge from hospital into reablement/ rehabilitation services:** Tandra Forster stated that this was an important indicator which measured care assistance services; the indicator was effective from the moment the client entered the reablement/rehabilitation service. Members heard that, on occasion, someone could be assessed for reablement and then have services provided but their health may deteriorate, pass away or return to hospital and as such it would be recorded that they had left the reablement/rehabilitation service.

The measure did not necessarily relate to safeguarding but was useful to monitor by the service. Tandra Forster advised that, going forward, the indicator would be repositioned under a more appropriate heading.

Members heard that the indicator measured a small cohort and was therefore prone to fluctuation. In response to questions asked by the Commission, Tandra Forster advised that the Department of Health specified the parameters of the measurement which the service was expected to follow.

**P&S1asc04 – Percentage of care homes rated good or better by Care Quality Commissioning (CQC) in the area of “safe”:** A recent CQC inspection rated Willows Edge as ‘Good’ but highlighted that in area ‘Safe’ it required improvement on the basis that:

- *The service was not always safe because there were not always sufficient staff to meet people’s needs;*
- *The provider’s medicines procedures did not provide guidance to staff on the circumstances when medicines may be given covertly. However, individual guidelines were provided in one case where this might be necessary and appropriate ‘best interest agreements’ had been obtained.*

Tandra Forster advised Members that, since the inspection, a number of remedial actions had been introduced. The service had requested a revisit by the CQC however, they were unable to accommodate the request due to limited resources and the need to prioritise higher risk sites. Tandra Forster reassured Members that the CQC did not consider Willows Edge to be at significant risk but until an inspection had taken place it was not possible to obtain a revised rating.

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Councillor Emma Webster asked for more information regarding the temporary support from two additional staff. Tandra Forster advised that the increased staffing level reflected the additional needs of clients within Willows Edge. She explained that, through the assessment process, an individual may be suitable for placement however, sometimes more challenging needs may arise over time.

Councillor Alan Macro asked whether the CQC rating affected the service's ability to place people at Willows Edge. Tandra Forster stated that the facility was considered 'Good' overall and there were no issues securing places for new clients. Rachael Wardell emphasised that the facility was rated as 'Good' and only 'Required Improvement' in some areas.

Members heard that it was not possible to know when the next CQC inspection could take place – due to the prioritisations made by CQC itself.

Councillor Webster highlighted the difference in the number of safeguarding indicators monitored by the Children and Families Services versus Adult Social Care services. Rachael Wardell advised that there were a higher number of statutory measures within Children's Services which would be reflected in the number of indicators for each area.

Members stated that they would prefer to see recent statistics. Councillor Webster acknowledged the feedback and advised the Commission that she had raised the request already with Officers.

### **Resolved that:**

1. Catalin Bogos would provide the relevant national definitions associated with performance indicator P&S1c&f21;3
2. The report be noted.

## **65. Revenue and capital budget reports - Quarter Three**

The Commission considered a report (Agenda item 12) concerning the Quarter Three Financial Performance Report (2015-2016).

Andy Walker, Head of Finance, Introduced the report to Members and advised that the forecast revenue position was an overspend of £0.6m, which was an increase of £0.1m from Quarter two.

The Communities Directorate forecasted an overspend of £0.9m at Quarter Three, which was similar to that at Quarter Two. The overspend was primarily the result of a £1.3m pressure within Children and Families Services, forecast overspends within Education of £0.4m and Prevention & Developing Community Resilience £0.1m, offset by savings within Adult Social Care and Care Commissioning, Housing & Safeguarding of £0.9m split approximately equally. Andy Walker explained that the Directorate was looking to mitigate the forecast overspend position further and was reviewing all spending plans to see what could be delivered in the remainder of the financial year.

Gabrielle Esplin, Finance Manager (Capital and Treasury Mgt), advised that the forecast capital spend was currently £42.2m against a revised budget of £43.1m with £0.9m expected to be re-profiled into 2016/2017.

Councillor Alan Macro asked why the number of Discretionary Housing Payments released had reduced. Rachael Wardell advised that this was as a result of fewer applications being received; Members were informed that promotion had not changed so it was assumed that the decrease in demand was a result of changing circumstances.

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Councillor Macro asked why the Education schemes had been deferred into 2016/17. Gabrielle Esplin explained that the subcontractor recently went into administration, which delayed the progress of work, and was compounded by ongoing environmental concerns on site.

**Resolved that** the report be noted.

*(The meeting commenced at 6.30 pm and closed at 8.08 pm)*

**CHAIRMAN** .....

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