

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## SCRUTINY COMMISSION

### MINUTES OF THE MEETING HELD ON TUESDAY 24 SEPTEMBER 2024

**Councillors Present:** Carlyne Culver (Chairman), Dominic Boeck (Vice-Chairman), Antony Amirtharaj, Jeremy Cottam, Paul Dick, Christopher Read, Billy Drummond (Substitute) (In place of Erik Pattenden) and Howard Woollaston (Substitute) (In place of Ross Mackinnon) (attending remotely)

**Also Present:** Councillor Heather Codling, Councillor Clive Hooker, Councillor Geoff Mayes, Councillor Justin Pemberton and Alex O'Connor (Partnership Anti-Social Behaviour Co-ordinator), Nigel Lynn (Chief Executive), Paul Coe (Executive Director – Adult Social Care), AnnMarie Dodds (Executive Director - Children's Services), Neil Goddard (Service Director - Education and SEND), Susan Tanner, and Rebecca Wilshire (Service Director - Children's Social Care)

**Apologies for inability to attend the meeting:** Councillors Ross Mackinnon, Erik Pattenden and Jeff Brooks

#### PART I

#### 17. Minutes

The Chairman made the following observations:

- In relation to Item 9:
  - Officers had advised that schools must keep separate any independently raised funds because of VAT regulations.
  - More could be done to explain how the Schools Forum worked, since it was not clear that those attending represented a bloc of schools rather than their own individual school.
- In relation to Item 11:
  - Recent/planned publicity about the Council's scrutiny function included a press release, an offer to the media to interview the Scrutiny Commission Chairman, and an online video about the role of scrutiny.
  - The Chairman would work with the Principal Policy Officer to set up a log to track implementation of scrutiny recommendations back to Executive.

The Minutes of the meeting held on 17 July 2024 were approved as a true and correct record and signed by the Chairman.

#### 18. Actions from previous Minutes

Members noted the updates on actions from the previous meetings.

Comments were made in relation to the following items:

- Actions 116 and 143 should be merged.

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- Action 160 – it was suggested that Jenny Legge should liaise with Councillor Ross Mackinnon regarding the ‘performance in pictures’ section of the Annual Performance Report
- Action 161 – this could not be progressed, since PDF pages of graphs could not be created using InPhase.
- Action 162 – it was suggested that Jenny Legge should liaise with Councillor Richard Somner regarding the sunburst diagram.
- Action 165 – the Chairman had discussed a possible joint work planning session with the Leader, but it had been agreed that this would not happen this time, however, Members could ask for a meeting at a future date.

### 19. **Declarations of Interest**

Councillor Chris Read declared an interest in relation to Agenda Item 11, since he had previously been a member of Newbury Rugby Club and a rugby coach. However, this had been many years ago, and he reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he would remain to take part in the debate and vote on the matter.

### 20. **Petitions**

There were no petitions to be received at the meeting.

### 21. **Crime and Disorder Committee - Community Safety Update**

Nigel Lynn (WBC Chief Executive) and Superintendent Andy Penrith (Thames Valley Police) presented the Community Safety Update (Agenda Item 6).

The following points were raised in the debate:

- Members congratulated the Building Communities Together Partnership (BCTP) on achieving a reduction in domestic abuse crimes.
- The current approach to tackling domestic abuse had been in place for between 3-6 months, and it was thought that a decrease in the number of children reported as being affected by domestic abuse may lag behind the decrease in reported crimes. Also, new obligations to capture the voice of the child, may lead to an increase in referrals to children’s social care. Conversations had taken place with the Executive Director – Children’s Services about how to resource this and use the data to protect vulnerable children.
- The Police were commended for their increased applications for protective orders in West Berkshire.
- It was highlighted that [Operation Sceptre](#) would be repeated later this year. Separately, it was reported that the recent amnesty for ‘zombie knives’ had been successful across the Force.

**Action: Thames Valley Police to provide statistics for the recent ‘zombie knives’ amnesty.**

- It was confirmed that there had been no recent stabbing incidents in The Nightingales estates. Although local Ward Members had not received complaints about violent crime in the area, Police intelligence had highlighted some issues, which had informed their approach and a funding bid to the Home Office.

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- It was acknowledged that Black, Asian and Mixed Race individuals were more likely to be the subject of 'stop and search' than other ethnic groups, but West Berkshire had the lowest levels of disproportionality in the Force's area. Stop and search was recognised as being a key determinant of community trust, and the statistics were regularly reviewed by an independent advisory group.
- Tackling rural crime was confirmed as a priority for the Police, and a Rural Crime Task Force had been set up. Residents were encouraged to report suspicious activity.
- It was confirmed that burglaries were not included within anti-social behaviour (ASB) crime statistics. While there had been a slight increase in burglaries, there were no significant trends and rates remained low. A change of approach meant that the Police would now attend all domestic burglaries, and incidents were being considered at weekly crime meetings to generate intelligence. It was noted that recidivist thieves were operating in the area.
- Members highlighted ongoing ASB incidents in Aldermaston Ward.

**Action: Superintendent Andy Penrith to liaise with Councillor Dominic Boeck.**

- An issue was highlighted in relation to a negative experience that a local resident had had with a police officer from Bracknell and Wokingham.

**Action: Superintendent Andy Penrith to liaise with Councillor Howard Woollaston.**

- It was highlighted that the fear of crime was a real issue. The Police were reviewing how they communicated with local communities, and they were looking at using a variety of different channels. This was picked up in Neighbourhood Policing Performance meetings.
- The previous lack of response to shoplifting and retail crime was recognised as an 'own goal' for the Police and had damaged community confidence, but Operation Purchase had been set up to address this. Now, reported crimes went through a triage process before being passed to a local team. The charge rate had improved and there were more officers on patrol.
- It was confirmed that nine mobile CCTV cameras were being installed around the Nightingales, funded by Safer Streets Grant.

**Action: Alex O' Connor to liaise with Councillor Billy Drummond regarding the installation of the CCTV cameras.**

- Members welcomed the Police response to issues along the A4 in Thatcham.
- It was suggested that the success of the BCTP was down to the strength of the relationships between the partners. Council officers were in regular contact with colleagues in the Police.
- It was confirmed that the Police restructure would take effect in May 2025.

**Action: Superintendent Andy Penrith to provide updated contact details in due course.**

**RESOLVED** to note the report.

## 22. Adult Social Care Complaints Annual Report

Paul Coe (Executive Director – Adult Social Care) presented the Adult Social Care Complaints Annual Report (Agenda Item 7).

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The following points were raised in the debate:

- Details of a recent whistleblowing incident did not feature in the report. Some aspects had to be referred to a neighbouring local authority (Reading Borough Council). Other aspects were reviewed by the Council's Internal Audit Manager, but these did not feature in the report, as this was part of a different process. However, she had found no basis for concern about the relationship between the Council and the provider. Investigations into wider issues related to the provider's workforce were not contained in the Annual Report, because the provider's headquarters were not in the District.
- Controls around Care Quality included the Care Quality Commission and the Council's own Care Quality Team. Reviewing Officers also picked up quality issues. In addition, intelligence about providers was shared between local authorities. It was recognised that there were workforce challenges, but in general, controls provided assurance that standards were being met.
- It was noted that the West Locality was the biggest of the three community teams and served the largest population. Although it had a larger number of complaints than the other two areas, it was considered to be proportionate.
- It was noted that the Council had a dedicated Children's and Adults' Social Care trainer who used the annual report to help inform the annual training programme.
- Key areas for the Council were ensuring that vulnerable adults were not subject to financial abuse and ensuring that service users were charged an appropriate amount for care in line with government guidance. The recent cost of living crisis meant that financial abuse was more likely, and people would also be more likely to balk at paying for care.
- It was explained that the Council accepted complaints verbally and in writing. Processes were in place to capture the service user's concerns. All complaints were an opportunity to learn. If they were addressed quickly then they may not escalate to a formal complaint.

**Action: Paul Coe to provide Councillor Billy Drummond with details of the number of formal complaints received verbally and in writing.**

- Members noted that compliments outnumbered complaints and also West Berkshire Council had fewer complaints than other comparable local authorities.
- It was noted that the report would be published on the Council's website. The website prioritised high traffic pages, so users may need to use the search facility to find it.
- Members asked for web links to be included on page 3 and to include a glossary to explain the acronyms used in the report.
- It was suggested that future reports should include more detail on the nature of the complaints.

### **Actions:**

- **Officers to add web links to page three of the report.**
- **Include a glossary to explain acronyms used in the report.**
- **Future reports to include more detail about the nature of complaints.**

**RESOLVED** to note the Adult Social Care Complaints Annual Report 2023/24 and to approve publication.

### 23. Children's Social Care Complaints Annual Report 2023/24

Councillor Heather Codling and Rebecca Wilshire (Service Director for Children's Social Care) presented the Children's Social Care Complaints Annual Report 2023/24 (Agenda Item 8).

The following points were raised in the debate:

- Members expressed concern at the number of complaints and asked about which areas were in greatest need of improvement. Officers stressed that this was a complex area and there would always be different views amongst the parties involved. It was felt that the Council could be clearer about its processes and could provide service users with better information. It was also felt that the Council could do more to better involve fathers. However, it was felt that the area that would do the most to decrease the number of complaints was training for social workers.

**Action: Amend the report to recognise training for social workers as a top priority.**

- Officers highlighted that parents of children taken into care were most likely to complain. Reducing the number taken into care would reduce the number of complaints, but the Council would be failing to discharge its safeguarding duties. Members indicated that if social workers had more training, then this would help parents to be better informed about actions being taken and why, and they would be less likely to complain as a result.
- Members asked about the use of the term 'restorative'. This described an approach where the Council did things 'with' rather than 'to' families. It involved open and reflective conversations with families and other stakeholders.
- Members felt that children's complaints should be a key focus for the report. Officers explained that the Council did not get many complaints from children directly, and adults often advocated on children's behalf. However, it was recognised that future reports could include more feedback from families and children.
- Members were encouraged to attend Corporate Parenting Panel (CPP), which sought to hear the voices of children. It was suggested that the Member training programme should include a session on the CPP. Although there were six Members on the CPP, the last meeting had been cancelled due to poor attendance. It was suggested that dates could be better publicised to Members. Consideration was being given to moving administration of the CPP to Democratic Services.

**Actions:**

- **Confirm if CPP is included in the Member training programme.**
- **Publicise future CPP meetings to ensure that Members are aware.**

**RESOLVED** to note the Children's Social Care Complaints Annual Report 2023/24 and to approve publication.

### 24. SEND High Needs Block and Delivering Better Value

Councillor Heather Codling (Executive Portfolio Holder – Children and Family Services) and Neil Goddard (Service Director – Education and SEND) presented the report on SEND High Needs Block and Delivering Better Value (DBV) (Agenda Item 9).

The following points were raised in the debate:

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- Officers explained that SEND was a complex area, and it could be difficult to find precise ways of measuring the impacts. Since the publication of the delivery plan, officers had continued to refine the impact measures and associated data. It was confirmed that the delivery plan did not contain the full range of performance measures, and a detailed SEND dashboard was in development. It was proposed to bring this to a future meeting to demonstrate progress.

**Action: Bring the performance dashboard to a future Scrutiny Commission meeting.**

- It was confirmed that the aim of reducing the number of Education, Health and Care Plans (EHCPs) would only be achieved where they were not considered necessary to improve outcomes for affected children. Lots was being done to create early help services and support schools to be as inclusive as possible. This would help parents to feel confident that their children's needs were being met and reduce calls on EHCPs. These would still be put in place where needed.
- Officers indicated that the Council was in the 'developing solutions' phase of the DBV programme. It was acknowledged that there had not been much sharing of findings/best practice between local authorities, but this would be raised with central government. The programme was focusing on improving services and outcomes for children and young people and their families, which would in turn help to reduce costs. However, this was not a quick fix.

**Action: Officers to suggest sharing of findings/best practice between local authorities to central government.**

- Clarification was provided regarding the accumulated deficit. It was explained that this would be affected by clawback, but it was expected to be around £7.5 million.
- It was confirmed that Susan Tanner's team was funded for one year to deliver transformation activity after which time this would become core business and Neil Goddard's team would take over. Restructuring would be necessary to reflect proposed changes to roles (e.g., commissioning would be taken out of the SEND role). The restructure would also provide an opportunity to work in a different way and create a more coherent offer to schools (e.g., around mental health support) which would help them to better support their pupils.

**Action: DfE Regional Director to be invited to the Scrutiny Commission meeting on 13 March 2025.**

- Officers highlighted significant differentials between schools in their use of exclusions and suspensions. Officers were seeking to challenge schools and to understand what could have been done in advance to support them and deliver a different outcome (e.g., alternative provision or behaviour related services). One school was recognised as an outlier in terms of the number of exclusions - officers indicated that they would raise their concerns with the Department for Education (DfE).
- In relation to funding, it was explained that the aim was to achieve a fair, consistent and transparent system, so schools understood what support was available, and what funding was allocated to individual pupils.
- Members noted that the Council had lost a number of educational psychologists. These roles were in high demand nationally, but there was a shortage in the market. Also, they were able to work privately and trade directly with schools, which could be more lucrative than working for a local authority. The Council had stopped offering traded services to schools in the autumn term to focus on statutory services. Interim resource had been increased, which was very expensive. However, recruitment was

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underway, and it was hoped to be able to offer traded services again in the New Year, including a Principal Education Psychologist. In addition, the Council was exploring different ways of working, such as greater use of specialist teachers. It was noted that only 200 students were being trained nationally as Education Psychologists each year and it took eight years for them to be trained.

- Officers refuted the assertion that a shortage of Education Psychologists was a way of reducing spend and reiterated that current resources were being allocated to statutory work.
- It was confirmed that the Exclusions Officer and the Education Welfare Team got involved with academies to understand the reasons for exclusions. While the Council could challenge these, it had limited powers to intervene.
- An example was mentioned of an exclusion appeal that had lasted 9.5 hours. This was considered very unusual.
- Members noted that statutory reviews at transition had not been completed. It was confirmed that each EHCP was reviewed annually and was led by the schools, with involvement from the Council. The Council currently lacked the resource to support this work, with officers being allocated to supporting new EHCPs. However, interim resource had been put in place to support annual reviews and consideration was being given to permanent resource through the budget process.
- It was noted that an Ofsted Inspection of Local Authority Children's Services (ILACS) and Local Area SEND inspection were expected imminently.

**RESOLVED** to note the report.

### 25. Covid and Recovery Task and Finish Group Report

Councillor Paul Dick presented the Covid and Recovery Task and Finish Group Report (Agenda Item 10).

The following points were raised in the debate:

- Members and officers (including former officers) were thanked for their contributions to the work of the Task and Finish Group.
- It was confirmed that if the Scrutiny Committee supported the Task and Finish Group's recommendations, they would be referred to the Executive for consideration.
- Officers indicated that the Emergency Planning Team had plans that could be consulted when needed. These would be updated to reflect lessons learned from the Covid pandemic.
- It was noted that links with Health colleagues had improved following the establishment of the Integrated Care Board (ICB) - the Council's Chief Executive regularly met with his counterparts in the ICB and NHS Trusts.
- It was suggested that there was a huge range of capacity and competence, and there was a need to ensure that best practice examples could be replicated across the district. Often it was volunteers who were coordinating efforts. It was suggested that there was a need for a database of people and organisations that should be maintained.
- The report had been taken to Corporate Board where the following observations had been made:

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- Recommendation 8 – It was suggested that the Berkshire Prosperity Board, or equivalent body, could play a coordinating role.
- Recommendation 15 – Personal Protective Equipment (PPE) had a expiry date, so large stocks could not be held indefinitely.
- It was recognised that the Council and its partners needed the ability to respond to avoid intolerable harm to vulnerable people and this should be at the heart of emergency plans.
- It was noted that another pandemic was at the top of the Cabinet Office's Risk Register.
- Members highlighted that turnover of staff could result in a lack of awareness of emergency plans, and stressed the need to make senior managers aware of plans on a regular basis, and for regular scenario testing, with any observations arising from those tests being incorporated into the plans.

### **Actions:**

- **Update the report's recommendations to take account of Corporate Board's comments.**
- **Maintain a database of volunteers and organisations who are willing to provide community support in the event of an emergency.**
- **Make senior managers aware of emergency plans on a regular basis to allow for staff turnover.**
- **Undertake regular scenario testing, with any observations arising from those tests being incorporated into the plans.**

**RESOLVED** to endorse the Task and Finish Group's recommendations and refer them to Executive for consideration.

## **26. Appointment of Task and Finish Groups**

The Chairman introduced the item on Appointment of Task and Finish Groups (Agenda Item 11).

The Sports Hub Task and Finish Group was due to start in October and a pre-meeting was proposed to consider the background information.

Membership was confirmed as: Councillors Carolyn Culver, Jeremy Cottam, Paul Dick, David Marsh and Chris Read. It was confirmed that rules around political proportionality did not apply to Task and Finish Groups, but a second Conservative Member would be welcomed.

**Action: Check if Councillor Ross Mackinnon wished to nominate another Conservative Member for the Sports Hub Task Group.**

Councillor Howard Woollaston highlighted that his former title was incorrect in the terms of reference.

**Action: Correct Councillor Woollaston's former title to Executive Portfolio for Housing, Leisure, Culture and Sport in the terms of reference.**

It was noted that Councillor Chris Read had offered to be chairman for the Project Management Task and Finish Group.

It was suggested that Faraday Road be dropped from the Project Management Task Group terms of reference, since concerns related to a procurement issue, and Faraday



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Road had not been set up as a major project. Instead, it was suggested that this be covered separately at a future meeting of the Scrutiny Commission. Elements of Faraday Road would be picked up as part of the Sports Hub Task and Finish Group.

Members felt that it would be good to have three projects to consider in order to get a more representative sample.

**Action: Propose a third project for the Project Management Task and Finish Group to consider in consultation with senior officers.**

It was confirmed that the Task Group would look at project methodology generally before considering Care Director and iTrent.

Councillor Dominic Boeck proposed that Faraday Road be considered separately from the Project Management Task and Finish Group. The motion was seconded by Councillor Paul Dick. At the vote, the motion was carried.

**RESOLVED to consider Faraday Road separately from the Project Management Task and Finish Group.**

### 27. Health Scrutiny Committee Update

Members considered the Health Scrutiny Committee Update (Agenda Item 12).

The Chairman read out the update provided by Councillor Martha Vickers. This can be viewed on the meeting recording here:

[Scrutiny Commission, Wednesday 24 September 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

It was noted that the intention was for the Health Scrutiny Committee Chairman to be made a member of the Scrutiny Commission at the next meeting of Council.

### 28. West Berkshire Council Executive Forward Plan September to December

The Commission considered the West Berkshire Council Executive Forward Plan (Agenda Item 13 for the period covering September to December 2024).

Members asked about the Care Homes Contract Award report. Officers explained that the Council had published a tender for an external provider to take over the operation of Birchwood and Willows Edge Care Homes. Evaluation of the tenders would take place during the first week of October. The report to Executive on 8 November 2024 would make a recommendation about whether to award the contract. Members noted that if they wished to consider that report, it would have to be via a call-in of the decision.

**Action: Paul Coe to provide a written update about the Care Homes Contract Award report to the Scrutiny Commission Chairman.**

It was noted that the Forward Plan still mentioned Catalin Bogos, who had recently left the Council.

**Action: Reassign items in the Forward Plan currently allocated to Catalin Bogos.**

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

### 29. Overview and Scrutiny Management Commission Work Programme

The Commission considered the draft Work Programme (Agenda Item 14).

It was noted that the Chief Executive had sent an email to the Scrutiny Commission Chairman setting out a number of suggestions for possible scrutiny topics. Comments were made on some of these items as follows:

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- Fostering had been reviewed recently.
- Mental health services for adults and children, and maternity mental health were already in the Health Scrutiny work programme.
- CAMHS was due to be considered by a Health Scrutiny Task Group.
- Effective Working with Communities and Partners Organisations needed further explanation.
- Facilitating Growth could be considered by Planning Advisory Group.
- Housing was being considered by Health and Wellbeing Board and a report was being taken to Corporate Board.

Officers suggested that the Commission should focus on areas of high spend/ risk such as aspects of Children’s Services. Members highlighted that the Commission planned to look at attainment of children on free school meals compared to all children, and the SEND High Needs Block would be reviewed every six months.

There was discussion about a possible review of housing related issues and local housing associations. It was suggested that the three largest local housing associations could be invited to attend a future meeting. Any reviews would need to be coordinated with the work of the Health and Wellbeing Board to ensure there were no conflicts.

It was confirmed that Councillor Stuart Gourley was the Executive Member with responsibility for flooding issues and he would be attending the special Scrutiny Commission on 17 October 2024 to present the Section 19 Report.

It was suggested that the Commission may wish to review the Council’s Transformation activities at a future date. This could be considered as a single item agenda.

**Action: Chairman to communicate with the Executive Directors about future items for Scrutiny.**

**RESOLVED** to note the work programme.

*(The meeting commenced at 6.31 pm and closed at 9.35 pm)*

**CHAIRMAN** .....

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