

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday, 7th November, 2018

Present:- Councillor Steele (in the Chair); Councillors Cowles, Cusworth, Evans, Mallinder, Napper, Sansome, Short, Walsh and Wyatt.

Apologies were received from Councillors Brookes and Keenan.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

A question was from received from Mr. Harron in respect of the provisions for members of the public to be present in the room for Members' debate on requests to review responses from the Council to petitions and why the webcast was not used to record the debate.

The Chair responded that it was not practice for parties connected to petitions to remain in the room whilst Members debated their recommendations on the request to review. All officers beyond those advising the committee on matters of procedure would also be asked to leave the room for such discussions. In those circumstances it would not be appropriate to record the debate via the webcasting facility.

As a supplementary question, and referring to a later item on the agenda for the meeting, Mr Harron asked whether he could be present in the room to listen to the debate. In response, the Chair confirmed that all present would be asked to leave and the webcast equipment would be turned off. The outcome of the debate and the reasons for the decision would be reported in public session, on the webcast of the meeting and in the minutes of the meeting.

3. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that he would ask members of the public and officers to leave the meeting during the deliberation of the request to review the response to a petition concerning the return of a publication (agenda item 4).

4. **REQUEST FOR REVIEW OF PETITION RESPONSE - RETURN OF PUBLICATION**

It was reported that a request had been received for the Overview and Scrutiny Management Board to review the response provided by the Council to a petition calling for the Strategic Director of Children and Young People's Services (or the Chief Executive) in Rotherham Borough Council (RMBC) to issue a public statement giving the reasons for deciding to return 1400 copies of the publication 'Voices of Despair Voices of Hope'.

Members were advised that under the petition scheme, Overview and Scrutiny Management Board will determine the request for the review and may take various actions depending on the information provided to it.

Mr. L. Harron attended the meeting as lead petitioner and set out his reasons for requesting the review of the response provided.

Referring to Mr Harron's representations, Members sought clarification of what was meant by 'everyone' requiring a public statement. In response, Mr. Harron confirmed that he meant the people who had provided their voices for the publication 'Voices of Despair Voices of Hope'. Following on, Members also sought to understand how important it was to Mr. Harron that the publication was returned by the Council. In response, Mr. Harron explained that reasons had not been given for the return of the publication and he considered that there had been dishonesty on the part of officers who had been part of the decision making process. Mr. Harron stated that he did not want to focus on dishonesty in this meeting.

Clarification was sought as to how many survivors were being represented through the petition. In response, Mr. Harron indicated that he was not prepared to indicate and that the petition was not about him, but reiterated that the outcome he wanted from a review of the response to the petition was for the original request in the petition to be acted upon by the Council.

Reference was made to the return of the publication and Members queried what had happened to the returned copies sent to Mr. Harron. In response, Mr. Harron confirmed that he had redistributed copies of the publication very quickly, with two copies sent to each MP and councillor representing the borough. Furthermore, Mr. Harron suggested that Members should seek to understand the decision making process that had led to the return of the publication following spend of £6,000 in a period of austerity.

Members sought to understand what had been communicated to Mr. Harron at the time that the publication was returned to him. In response, Mr. Harron explained that he had received an explanation from an Assistant Director in Children and Young People's Services, but he considered the reasons given to be nonsense. He added that no officers of the Council had met with him to give him honest reasons for the return of the publication. Whilst he had met with the Chief Executive and a ward councillor, he considered that no one had provided truthful reasons. Whilst the present Chief Executive was not employed by the Council at the time of the return of the publication, Mr. Harron considered that she had the opportunity to state why the decision was taken based on information that he considered to be available to the Chief Executive.

In summary, Mr. Harron indicated that he wanted the Overview and Scrutiny Management Board to dismiss the response provided by officers. It was a matter of regret to him that the line of questioning from Members had drawn the discussion into the issues he considered to demonstrate dishonesty.

Members adjourned the meeting to have a private discussion of the issues raised in the request. Having considered the representations made by Mr. Harron, Members considered that they did not wish to review the response further and were satisfied with the information provided. Members also identified the following recommendations, which were informed by the questioning of and responses provided by Mr. Harron:-

1. That, in future, the lead petitioner and other petitioners be recommended to address petitions to the Council, rather than seeking action to be taken by a specific post holder.
2. That the lead petitioner be advised to pursue correspondence on this subject matter with Cabinet Members and officers, rather than using the Council's petition scheme.
3. That the lead petitioner be advised that the Council's Complaints Procedure is the appropriate route for such matters to be responded to by the authority.
4. That the lead petitioner be advised of the process to be followed in reporting concerns regarding the conduct of officers, which is the appropriate route for such concerns to be raised rather than petitions.

Resolved:-

1. That the request for a review of the response to the petition in respect of the return of the publication 'Voices of Despair Voices of Hope' be declined.

2. That the Chair of the Overview and Scrutiny Management Board write to the lead petitioner to confirm the outcome of the Board's deliberations and the additional recommendations.

5. **CHILDREN'S SERVICES FINANCIAL MONITORING AND REVIEW 2018/19**

Consideration was given to a report submitted by the Strategic Director of Children and Young People's Services in respect of the financial position of the directorate, which outlined the current budget position and pressures; in-year mitigations; future plans and progress of sustainability plan and demand management initiatives.

It was reported that demand on Children's Services was high and had continued to rise across all key areas which included children in need of help, protection and children requiring care. The main factors that had impacted on demand were:

- Complex abuse inquiry and Operation Stovewood – the service has worked with over 600 children that have been referred from these investigations and there are currently over 200 open cases where children are in need, have a child protection plan or are in care;
- Improved social work practice intervention in legacy cases specifically re neglect; and
- National increase in statutory intervention and a national budget shortfall of £2bn predicted by 2020.

The Children's Services current budget for 2018/19 was £58.7m with forecast expenditure at £71.7m (including a contribution of £1m from reserves for 2018/19 only). It was explained that an in-year pressure of £13m, which had increased compared to the £10m previously reported, was predicted after mitigations due to a continued net increase in the number of children admitted into care.

Both the Cabinet Member and the Strategic Director explained to Members that it was difficult to benchmark the financial position of the directorate given the recent history of Children's Services in Rotherham. However, it was considered that there were reasons to be optimistic with in care numbers remaining stable, which had provided confidence that measures taken and investments previously made were having some impact.

Further confidence was taken from the average age of children coming into care reducing in the current financial year. All of statistics available provided by an indication that demand was beginning to level and slow a little. The Strategic Director indicated that the directorate would remain focused and concerned about the number of in-house foster carers and a lot of work was being done to improve the foster care situation.

In response to a question in respect of thresholds for bringing children into care, officers confirmed that Ofsted had reviewed cases during their inspection of the service in November and December 2017 and had not found any child in care where it was not warranted. Furthermore, a number of initiatives were in their infancy at the time of the Ofsted inspection, such as work around Edge of Care and Family Group Conferencing, which could enable a child to remain with family or extended family. Senior officers were confident that was enough oversight to know that Heads of Service were making safe decisions on a day by day basis.

Assurances were sought by Members that the directorate was getting to grips with the staffing pressures facing the budget in view of the projected overspend of £1.4m on employee costs. In response, reference was made to the significant reduction in the number of agency employees within the directorate compared to the previous financial year. It was noted that an underspend was projected on basic pay due to the number of vacancies in the service and that this was used to offset the anticipated overspend on other staffing costs. Additional clarification was provided in respect of the process followed before seeking agency staff to fill vacancies and it was explained that there was almost always a gap in recruitment given the timescales for recruitment following receipt of notice from a departing employee. Furthermore, all decisions were subject to challenge and oversight by the Workforce Management Board, a corporate group of Assistant Directors, chaired by the Assistant Chief Executive.

Reference was made to expected savings that had previously been identified from the directorate's business support function and how delivery of savings was being monitored. It was explained that good progress had been made to implement the review of this service and new technology was being trialled, such as use of digital recording of meetings, to enable the delivery of savings.

Members sought clarification in respect of the impact of Operation Stovewood and the Complex Abuse Inquiry on the financial position. In response, it was confirmed that officers from the service were meeting with colleagues from the National Crime Agency and the Office of the South Yorkshire Police and Crime Commissioner to identify the real costs associated with these areas of work.

Resolved:-

1. That the financial monitoring update in respect of the Children's Services be noted.
2. That greater clarity be provided to Members in future reports in respect of timescales and milestones for addressing in-year pressures.

3. That the Chair and Vice-Chair of Overview and Scrutiny Management Board and the Chair of Improving Lives Select Commission meet with the Deputy Leader and Strategic Director of Children and Young People's Services to confirm future arrangements for monitoring of the financial position of the directorate by Overview and Scrutiny.

6. ANNUAL COMPLAINTS REPORT

Consideration was given to a report submitted by the Assistant Chief Executive presenting the annual summary of complaints and compliments received by the Council. The report also sought to identify key trends within complaints and compliments over a five year period.

The report detailed a number of performance headlines which compared the 2017-18 year with previous years. The annual report also included several recommendations regarding how complaints handling and reporting could be improved over 2018/19:-

- Exploring how the new e-case management system can be utilised to keep Elected Members routinely appraised of progress regarding complaints.
- Developing the training offer for officers who sit outside of the Complaints Team.
- Focussing more on the lessons learned from upheld complaints and how these can be addressed effectively.
- Continuing to report the key themes emerging from customer feedback into Directorate Leadership Teams and including complaints as a key source of intelligence within the performance review sessions for senior officers.
- Working to improve performance within statutory timescales.
- Reporting on improved intelligence around complainants, particularly with regards to equality and diversity information.
- Developing further the way that complaints are categorised and tracked, to better reflect the complexity and diversity of the feedback received.
- Using the new neighbourhood working model to work with residents on the issues that matter most to them, including any opportunities to learn from feedback and complaints

Members welcomed the report and provided positive feedback on the presentation of the information, which had been significantly improved upon from previous years. In discussing the report, Members sought reassurances and clarification in respect of work being done to ensure that responses to complaints were timely and effective in dealing with the issues raised by the public. As an indicator of public confidence in the Council, it was recognised that the handling of complaints would remain an area of interest for scrutiny in future.

Resolved:-

That the report be noted.

7. YOUTH CABINET/YOUNG PEOPLE'S ISSUES

It was reported that a response to the Children's Commissioner Takeover Challenge report and recommendations was expected to be submitted to the Cabinet for approval in January 2019. After that, it would be reported to Overview and Scrutiny Management Board in February 2019.

Members were reminded of the invitation issued by the Rotherham Youth Cabinet to attend the 2019 Manifesto Launch on Tuesday 13 November 2018 at 5.00 p.m. in Rotherham Town Hall.

Resolved:-

That the update be noted.

8. WORK IN PROGRESS - SELECT COMMISSIONS

The Chairs of the Select Commissions provided an update on current and planned activity:-

Health Select Commission

Councillor Evans reported that at the last meeting the Commission had received:-

- Social Emotional and Mental Health Strategy Progress Report
- Child and Adolescent Mental Health Services Update
- Feedback from a Performance Sub Group which had focussed on the provisional year end performance of the Adult Social Care Outcomes Framework
- Feedback from the Joint Health Scrutiny Committee which included a presentation and Strategic Outline Case presented to the CCGs and hospitals recently which had been developed following stakeholder feedback to the Hospital Services Review report

Improving Lives Select Commission

Councillor Cusworth reported that the Commission had met on the previous day and had considered reports in respect of:-

- Demand Management and Placement Sufficiency – where Members had asked for the refreshed Sufficiency Strategy to be submitted to Improving Lives Select Commission in March 2019, with specific reference to the eight OFSTED action points for improvement
- 2018 Education Performance Outcomes

The Chair further reported that the Committee had requested the Cabinet Member for Children and Young People's Services and Neighbourhood Working to organise a visit to University College Rotherham for Select Commission Members.

Improving Places Select Commission

Councillor Mallinder reported that the Commission had met in the previous week and had received an update on the implementation of the Home to School Transport Policy, where Members had recommended that officers raise the possibility of using contactless cards with SYPTE/bus companies. A further recommendation was made for in respect of the appeals process for the renewal of a home to school free bus pass to be reconsidered in those cases where a family's circumstances had not changed from the previous year.

Updates were provided on the Homelessness Strategy and proposed amendments to the Housing Allocations Policy which was due to be considered by the Cabinet in January 2019.

9. CALL-IN ISSUES

The Chair reported that there were no call-in issues following the most recent Cabinet meeting.

10. URGENT BUSINESS

The Chair reported that there was no business that required urgent consideration by the Board.

11. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Overview and Scrutiny Management Board be held on Wednesday 14 November 2018 at 11.00 a.m. in Rotherham Town Hall.