

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
31st January, 2018

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

Apologies for absence:- Councillor Napper.

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

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

83. DECLARATIONS OF INTEREST

Councillor Cusworth declared a personal interest in agenda item 6 (High Needs Finance Update and Budget Sustainability) on the basis that she was Chair of Governors at a primary school.

Councillor Sheppard declared a personal interest in agenda item 6 (High Needs Finance Update and Budget Sustainability) on the basis that he was a governor at Rawmarsh Children's Centre.

84. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

85. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.

The Chair reported that there were no items of business requiring the exclusion of the press or public from the meeting.

86. REVIEW OF RESPONSE TO PETITION - TRUTHFULNESS IN COMMUNICATIONS WITH REPRESENTATIVES AND ADVOCATES OF VICTIMS & SURVIVORS OF CHILD SEXUAL EXPLOITATION (CSE)

Consideration was given to a report which set out a request to review the response received to a petition in respect of 'Truthfulness in Communications with Representatives and Advocates of Victims and Survivors of Child Sexual Exploitation (CSE)'.

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Under the petition scheme, a lead petitioner may request a review of the Council's response by the Overview and Scrutiny Management Board. On 13 September 2017, the Council received a petition containing 22 signatures requesting the Chief Executive to write a letter to all employees of RMBC about the importance of truthfulness in their communications with representatives and advocates of victims and survivors of CSE in Rotherham. As the petition had more than 20 signatures, the lead petitioner addressed the Council meeting and, in accordance with the scheme, the petition was referred to the relevant officer for response. On 29 September 2017, a response was sent by the Strategic Director of Finance and Customer Services on behalf of the Chief Executive to the lead petitioner.

In setting out the reasons for the request to review the petition, Mr. Liam Harron explained that his petition was simple and had asked for the council's Chief Executive to write to all employees about the importance of truthfulness in all communications. The Chief Executive had declined to do so and Mr. Harron asked Members to re-visit that response and recommend that the Chief Executive write to all employees about the importance of truthfulness.

Mr. Harron provided his recollection of events in respect of discussions and the publication of the Jay Report and actions that had been taken that he had been involved with since that time to support victims and survivors. He also referred to the need to protect the image of the town and the borough and expressed a view that council officials had let down the people of Rotherham. He made reference to a meeting that he had held with the Chief Executive and Councillor Mallinder, who was one of his ward councillors, to argue for the the investigation of the actions of officers appointed since the publication of the Jay Report in August 2014. He also reflected on the comments of a survivor at the meeting held on 6 September 2017 where the Council received six investigation reports and cited this as an example, in his view, of council officers not listening or acting on the needs of victims and survivors and not being truthful. In conclusion, he implored Members to agree with his view and recommend that the Chief Executive write to all employees to reiterate the importance of truthfulness in communications with representatives and advocates of victims and survivors of CSE.

Members sought to clarify exactly what the lead petitioner sought from the meeting. Mr Harron confirmed that he wished to see a letter or email sent to all staff reminding them of the importance of truthfulness, as it was important that this was put on record. Following on, Members sought to understand what the anticipated benefit of this on the value and behaviours of employees. Mr. Harron indicated that it would be helpful to him when in communication with officers that he could reiterate the importance of truthfulness based on the Chief Executive's direction. He added that victims and survivors of CSE needed to feel that truthfulness was a value that councillors endorsed.

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Members sought an explanation from the lead petitioner of his experience, knowledge or qualifications that enabled him to speak on the subject so that his representations had credibility. In response, Mr. Harron provided a brief resume of his professional background as a teacher and his work in authoring the publication 'Voices of Despair, Voices of Hope'.

Reflecting on the values and behaviours expected of employees of the Council, Members observed that these were standard values across a wide range of businesses and organisations and sought clarity as to whether the lead petitioner considered the response to undermine those values. In response, Mr. Harron explained that it was unlikely that every employee in any organisation followed its values and behaviours and the issue should focus on how an organisation or its leaders respond when someone did not follow those values. He added that he considered the response to the petition to be inadequate and profoundly shocking. The Chair reminded Mr. Harron that was a matter of opinion and that the response provided by officers was professional.

Members sought to understand if the intention of the lead petitioner was to use the proposed communication from the Chief Executive in disciplinary proceedings for employees. In response, Mr. Harron confirmed that it was not and that the request related to a very specific issue concerning adult survivors of CSE and getting the truth from officers. Following on, Members expressed confusion as to whether the lead petitioner was referring to issues concerning victims and survivors of CSE or whether it was principally to do with the 'Voices of Despair, Voices of Hope' publication. Mr. Harron explained that the two issues were not separate, especially as victims and survivors were beginning to approach him to deal with issues on their behalf. Following on, Members queried whether Mr. Harron was speaking on behalf of all victims and survivors or a small group. In response, the lead petitioner indicated that he was speaking on behalf of a small group, but did not claim to represent any other than one survivor who had asked him to represent her.

In response to Mr. Harron's comments, Members indicated that there had been an awful lot of investment in services for victims and survivors of CSE since the publication of the Jay and Casey reports. A number of adult survivors had found their voice and were speaking out publicly on their experiences and were fully respected and supported for doing so. It was noted that the representations made by the lead petitioner were focused on what he wanted, not necessarily what victims and survivors were asking for. In response to that observation, Mr. Harron explained that there were people who felt that they had not be listened to and their voices had not been heard, which is why the petition had been initiated.

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The Chair invited the Assistant Chief Executive to comment on the response provided to the lead petitioner. He explained that the Chief Executive agreed with the importance of truthfulness and all of the values and behaviours of the organisation, in discussion and correspondence with customers and the public. He explained that the Chief Executive had reinforced the importance of the values and behaviours through a range of staff briefings and roadshows with the Leader of the Council. He also referred to the regular newsletter to employees from the Chief Executive emphasising the importance of values and behaviours. It was explained that if there were an incident or event, there would be due HR processes to follow, but the Assistant Chief Executive was confident that the workforce understood the importance of all values and behaviours.

In his concluding remarks, Mr. Harron indicated that victims and survivors approached him and a colleague and asked them to make their voices public. Since that time, he had started a campaign, where others had come forward with their experiences. Mr. Harron stated that it had been a very humbling process to have victims and survivors approach him and put their trust in him. He wanted a situation where they had the same level of trust in the Council and its officers.

Members debated the points raised by the lead petitioner and the information available to them. In conclusion, Members considered that the response to the petition by the Strategic Director of Finance and Customer Services was appropriate and the lead petitioner should be advised that no further action would be taken in respect of the petition.

Resolved:-

1. That the lead petitioner be advised that the Board considered the response of the Strategic Director of Finance and Customer Services to the petition 'Truthfulness in Communications with Representatives and Advocates of Victims and Survivors of Child Sexual Exploitation' to be appropriate.
2. That the Chair of the Overview and Scrutiny Management Board write to the lead petitioner to communicate the outcome of the review request.
3. That no further action be required.

87. HIGH NEEDS FINANCE UPDATE AND BUDGET SUSTAINABILITY

Consideration was given to a report which paper outlined the financial position in 2017/18 of the High Needs Block of the Dedicated Schools Grant (DSG). The report evidenced the recent growth in demand for special educational places and the impact on cost compared to previous years. It also set out options to bring the High Needs Budget to a sustainable level which had been explored in light of the changes to the High Needs Fair Funding Formula, National Schools Funding Formula and the Council's SEND Sufficiency Strategy.

Members sought clarification in respect of the current position and what work was being done with academies to reduce the number of exclusions from those institutions to focus on improved outcomes. In response, the Strategic Director confirmed that the local authority had historically picked up the costs and were not receiving from either the health or schools sector. Funding was now agreed and in place from the start of any new placement to ensure that the costs were shared. and weren't getting contributions from health and schools sector, so now get funding agreed in place from start of placement.

Members also queried whether any work had been undertaken to identify if the increase was due to underlying conditions or diagnosis inflation, and if it were the latter what the driving factors were. In response, it was confirmed assertive action was required to address behaviours and work was being undertaken to better understand the complexity of the issue and its impact.

Resolved:-

1. That the in-year High Needs forecast of expenditure at December 2017 be noted.
2. That the growth in demand for Education and Health Care Plans in Rotherham be noted.
3. That the options to provide future budget sustainability, the outcome of consultation with schools and the recommendation of Schools Forum be noted.

88. BUDGET SCRUTINY FOLLOW UP - ROTHERHAM YOUTH ENTERPRISE (RYE) SERVICE

Consideration was given to a report which detailed further information in relation to the element of the budget option that was initially referred to as School Improvement was now titled 'Rotherham Youth Enterprise Service'.

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It was reported that the Council had broad duties to encourage, enable and assist young people to participate in education or training, particularly vulnerable young people with Special Educational Needs (SEND), Looked After Children (LAC) and young people in Pupil Referral Units (PRUs). One of the duties in particular, was to make available to all young people aged 13-19 and to those between 20 and 25 with SEND, support (careers advice and guidance) that would encourage, enable or assist them to participate in education or training under the Education and Skills Act 2008.

It was reported that the revised budget proposal was to reduce the amount of revenue investment and maintain a reduced staffing profile in the Rotherham Youth Enterprise Service. Members noted that this would enable the local authority to continue to develop careers guidance under the 'Statutory Guidance on the Participation of Young People in Education , Employment or Training' and would support the necessary change which had to take place in careers guidance across the borough, as outlined in the governments careers strategy published in December 2017. The revenue budget saving from the proposal would be £132.5k in the 2018/19 financial year.

Members reflected on the outcomes on signposting and engagement and noted that the tangible return from the service was not large and did not seem to have a high impact. In response, the Strategic Director confirmed that it would be disingenuous to say with any certainty what could be achieved if the budget proposal were implemented, but he remained hopeful that the alignment with RIDO would ensure that outcomes were achieved.

Concerns were also expressed on behalf of young people and reference was made to the forthcoming Children's Commissioner Takeover Challenge where the focus was to be on work experience and enabling young people to get into the jobs market. In response, the Strategic Director advised that even with the implementation of the proposal, the Council would still be exceeding the statutory requirement in this regard.

In probing alternative approaches, Members queried whether it was feasible for RIDO to undertake the work itself. The Strategic Director confirmed that service did not have the capacity to undertake the function.

Resolved:-

That the budget proposal be supported.

89. RELATIONSHIP BETWEEN AUDIT COMMITTEE AND SCRUTINY

Consideration was given to a report which set out the nature of the relationship and highlights potential areas for improving working practices between the Audit Committee and the Scrutiny function.

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It was noted that whilst the Audit Committee's work programme was driven largely by statute and the governance and financial reporting cycle, a potential overlap existed between the work of the Audit Committee and the Overview and Scrutiny Management Board. The co-ordination of work programmes was considered to be desirable to avoid duplication of work and to ensure that resources are used effectively. It was for this reason that the Chair and Vice-Chair of the Audit Committee were appointed as members of the Overview and Scrutiny Management Board.

It was reported that current practice could continue, but this had not been recommended as a greater awareness of the respective Audit and Overview & Scrutiny work programmes would avoid duplication and bring about more efficient and effective use of resources. It was recommended that the adoption of a protocol for the referral of issues between the Audit Committee and Overview and Scrutiny Management Board would help clarify the reasons for the referral and inform the subsequent debate. The Audit Committee had been consulted and supported the adoption of a protocol.

Members welcomed the report and expressed the view that there was a good working relationship between the two functions. The recommended approach of establishing a concise protocol was supported by the Board.

Resolved:-

1. That the report be noted.
2. That a concise protocol be adopted governing referrals between the Audit Committee and the Overview and Scrutiny Management Board.

90. YOUTH CABINET/YOUNG PEOPLE'S ISSUES

The Chair reported that he, along with Councillors Cusworth, Evans and Sheppard, had held a positive meeting with Youth Cabinet Members in mid-January to discuss the Children's Commissioner Takeover Challenge. The Youth Cabinet had summarised their research findings to date and proposed to add further information from students with SEND when received.

He further reported that preparations were going well with young people developing their key lines of enquiry and questions. The Scrutiny Team were in discussion with other council officers and partners to identify and invite witnesses to the meeting on 1 March 2018.

Resolved:-

That the update be noted.

91. WORK IN PROGRESS

Health Select Commission

Councillor Evans reported that the Health Select Commission had met on three occasions recently and had focused on transformation projects with RDaSH, the implementation of the Carers' Strategy and had input on the refresh of the Health and Wellbeing Plan and Integrated Place Plan. Looking to the future, work was underway to organise a visit to Carlton House.

Improving Lives Select Commission

Councillor Clark reported that the most recent meeting had focused on the Voice of the Child and children missing from education. It was proposed that the next meeting in March would focus on the complex abuse process and that meeting would be open to all Members to attend. Furthermore, in April, the Commission proposed to receive updates on Edge of Care, Family Conferencing and the Medium Term Financial Strategy for Children and Young People's Services.

Improving Places Select Commission

Councillor Mallinder reported that the Commission had received Kingdom in respect of the 'Time for Action' Initiative and discussed contracts with them. In addition, the Commission had requested more information on Selective Licensing. Furthermore, arrangements were being made for a meeting in April 2018 to focus on homelessness.

Overview and Scrutiny Management Board

Councillor Steele reported that the work was continuing on the review of agency, interim and consultancy staff and meetings had taken place with the Assistant Chief Executive and Head of Human Resources.

92. CALL-IN ISSUES

The Chair reported that there were no call-in issues.

93. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair reported that there were no items of business requiring urgent consideration.

94. DATE AND TIME OF NEXT MEETING

Resolved:-

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