

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday, 18th November, 2020

Present:- Councillor Steele (in the Chair); Councillors Cusworth, R. Elliott, Jarvis, Jepson, Keenan, Mallinder, Napper, Taylor, Walsh and Wyatt.

Apologies for absence:- Apologies were received from Councillor Tweed.

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

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

244. DECLARATIONS OF INTEREST

There were no declarations of interest.

245. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

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

246. EXCLUSION OF THE PRESS AND PUBLIC

Resolved: -

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for agenda item 8, SEND Sufficiency Development Phase 3, if reference is made to the exempt appendences attached to the report on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A of the Act.

247. MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 November 2020 in respect of the Medium-Term Financial Strategy. The Cabinet Member for Finance and Corporate Services, the Strategic Director for Finance and Customer Services and the Assistant Director - Financial Services attended the meeting to present the report.

The Cabinet Member for Finance and Corporate Services advised that the report provided a review and update of the Council's Medium-Term Financial Strategy up to 2022/23. It was noted that the report provided an interim review and that it would be revised further in advance of the Council Budget setting meeting in March 202 in order to take account of the Local Government Finance Settlement for 2021/22 and budget policy proposals on council tax, fees and charges and any budget investment.

The Cabinet Member advised that the review of the Medium-Term Financial Strategy, along with the latest Financial Monitoring report were

predicting that there would be a balanced financial outturn position achieved for 2020/21. The Cabinet Member also noted that the current position would enable £4.3m top-up to reserves, as detailed in the Budget and Medium-Term Financial Strategy to be made, as well as preserving the £4million budget contingency and savings that had arisen in 2020/21 to be used to support the 2021/22 budget.

The Strategic Director for Finance and Customer Services noted the challenges that the Council continued to face with regards to the financial impact and ongoing uncertainty related to the pandemic and noted that the review of the Medium-Term Financial Strategy had incorporated adjustments to the assumptions previously made as a response to the ongoing uncertainty. The Strategic Director advised however that the improved position relating to the Council's reserves, the level of which had increased from £11million to £25million over the last few years put the Council's finances in a much stronger position than would have been the case had the level of reserves not increased.

Members welcomed the report and the assurances that the Council was predicting a balanced budget 2020/21 and 2021/22. Members also noted with approval that the Council was also in a position to increase its levels of reserves held at this difficult time. Members also noted the difficult financial situation that faced the country after the pandemic and their concerns on the impact of a prolonged recession and the return of austerity on the Council's finances.

The Chair asked for further information on the confidence levels regarding the assumptions that had been included in the report that were predicting a balanced budget for 2020/21. The Strategic Director advised that the assumptions that had been included in the Medium-Term Financial Strategy had high confidence levels, having been based on the current challenging financial situation. The Strategic Director advised however that there were risks surrounding increased social care costs and around savings targets not being met, emphasising the importance of these savings being made in order to support the ability of the Council to deliver balanced budgets into the future.

Members asked whether the initial announcement regarding the Local Government Financial Settlement from the Government, as scheduled in mid-December was being expected to be made as scheduled. The Strategic Director advised that there had been no information received to indicate that the details of the settlement would not be announced as scheduled.

Members asked for further information on how the budget for Children's Services in areas of spending that were greatly demand led, were being managed and how work was being carried out to deliver the required savings in these areas was progressing. The Strategic Director assured members that officers in Children and Young People's Services were confident that a balanced budget could be delivered and advised that

despite the challenges of dealing with the pandemic that the directorate had still managed to deliver some of its required savings. The Strategic Director noted however that this budget area and its need to deliver on savings targets was a significant area of budgetary risk.

Members asked for further information and assurances about the budget contingencies that had been included in the strategy. The Strategic Director assured members that contingencies to safeguard the outturn of the budget had been included in the preparation of the Medium-Term Financial Strategy. The Strategic Director advised that it was possible that the budget outturn position for the current year would end up being more positive than was currently being predicted with the more positive outturn being used to support the budget in future more challenging years. The Strategic Director advised that it would become increasingly difficult into the future for new areas of savings to be found, and advised that if more savings were to be found that the time and related costs involved in identifying and delivering some of these savings could outweigh their eventual financial benefit.

The Chair thanked the Cabinet Member for Finance and Corporate Services, the Strategic Director for Finance and Customer Services and Assistant Director - Assistant Director – Financial Services for attending the meeting and for answering members' questions.

Resolved: -

1. That Cabinet be advised that the recommendations be supported.
2. That if the assumptions that have been used in the development of the Medium-Term Financial Strategy change substantially before the Overview and Scrutiny Management Board is consulted on the Council's Budget proposals, then a further report be presented to the Overview and Scrutiny Management Board.

248. SEPTEMBER 2020/21 FINANCIAL MONITORING

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 November 2020 in respect of September Financial Monitoring 2020/21. The Cabinet Member for Finance and Corporate Services, the Strategic Director for Finance and Customer Services and the Assistant Director – Financial Services attended the meeting to present the report.

The Cabinet Member for Finance and Corporate Services advised that the report was the latest in a series of financial monitoring reports and noted that the current report detailed the Council's the financial position as at the end of September 2020. The Cabinet Member stated that as at September 2020, the Council had a forecast year-end overspend of

£23.7m on the General Fund, this however was mitigated in part by the Governments provision of COVID-19 emergency support grant and a Sales, Fees and Charges Income Compensation scheme that meant that the net forecast budget outturn was showing a £2.3m overspend was being forecast.

The report provided a full and detailed analysis on the current budget position (as at September 2020) for each of the Council's directorates as well as current information regarding the Council's Housing Revenue Account and Capital Programme.

Members asked for further information on how changes to how the NHS funded discharge packages would impact the Adult Care budget. The Assistant Director – Financial Services noted that changes to how care packages were funded made earlier during the pandemic, where care packages that in normal times would have been funded by the Council had been funded by the NHS had created savings in the Adult Care budget. The Assistant Director advised that with the change of how care packages had been funded, taken alongside the additional support being provided by the Government to support essential Council services throughout the winter period, it was anticipated that any changes to how the NHS funded care packages would not have a significant impact on the Adult Care budget.

Members asked for assurances that the Council had the procedures in place to continue to manage the significant financial impacts of the pandemic. The Strategic Director for Finance and Customer Services noted that a significant challenge surrounding budget management was managing changes to processes and funding made as a result of frequent changes of Government policy. The Strategic Director advised that the rigorous financial control, reporting and oversight procedures that had been implemented at the start of the pandemic had been hugely beneficial in enabling effective budget management and control at the Council during a very challenging period. The Strategic Director assured members that the learning from pandemic would be analysed and reviewed in order to take forward improved ways of working.

Members asked for the further information on the projected overspend of £9.4million in the Regeneration and Environment budget and whether an increased use of agency staff had contributed to the overspend. The Strategic Director assured members that the use of agency staff was reducing across the Council and advised that the majority of the overspend in the Regeneration and Environment budget had been created by the significant loss of its income streams during the pandemic, rather than from increased expenditure.

The Chair asked for further information on how far the income loss scheme that had been introduced by the Government would be able to cover the income losses incurred by Council during the pandemic. The Assistant Director provided further information on the income loss scheme

and advised that of the £8million of lost income incurred by Regeneration and Environment that the Council would be able to make a claim for £5million. The Assistant Director also noted that the scheme would also enable the Council to claim for the compensation that it would need to pay to the provider of the leisure facilities in the Borough for their loss of income during the pandemic.

The Chair asked the Cabinet Member how confident he felt on the current budget projections given the uncertainty that had been caused by the pandemic. The Cabinet Member assured the Chair that he had full confidence in the budget management procedures and in the budget projections.

The Chair thanked the Cabinet Member for Finance and Corporate Services, the Strategic Director for Finance and Customer Services and Assistant Director - Assistant Director – Financial Services for attending the meeting and for answering members' questions.

Resolved: -

1. That Cabinet be advised that the recommendations be supported.
2. That if the financial monitoring situation worsens before the next scheduled Financial Monitoring Report is scheduled to be received, then a further report be presented to the Overview and Scrutiny Management Board.

249. EQUALITIES REVIEW - GOING FOR EXCELLENT ACCREDITATION

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 November 2020 in respect of the report Equalities Review – going for “Excellent” accreditation. The Cabinet Member for Finance and Corporate Services and the Head of Policy, Performance and Improvement attended the meeting to present the report.

In introducing the report, the Cabinet Member for Finance and Corporate Services reaffirmed the Council's commitment to reducing inequality and in creating a Borough that was based on equality and social justice where all residents had a good quality of life and were able to achieve their potential.

The Cabinet Member stated that the report being submitted for consideration brought forward a comprehensive and wide-ranging programme of action that had been structured around achieving a nationally accredited status for equalities. The Cabinet Member advised that the proposed activities would be closely aligned with a range of measures to tackle inequalities, discrimination and prejudice in Rotherham, and that these would be carried out in partnership with other organisations and communities across the Borough as set out in the

Council's Year Ahead Plan.

The Head of Policy, Performance and Intelligence advised that in order to work towards achieving the "Excellent" accreditation under the "Equality Framework for Local Government" that a multi-faceted programmed approach would be employed. It was noted that the work that would be carried out to obtain the accreditation would move the Council away from a process driven approach to managing equalities and towards a fresh approach that was based on outcomes.

The Head of Policy, Performance and Intelligence advised that the work that would be carried out in order to work towards the accreditation would look at what the Council already did well with regard to equalities as well as where it could improve. It also noted that the review would seek to ensure that considerations surrounding equality issues were central to everything that the Council did by creating a wider understanding of equality issues right across the Council. An action plan and full details of the activities that would be undertaken in order to achieve the "Excellent" accreditation were included in the officer's report.

The Head of Policy, Performance and Intelligence noted that a wide consultation process would be conducted as part of the planned activities that would enable different groups from across the communities of Rotherham to contribute to the co-design of the processes that improve equality and social justice across the Borough.

Members welcomed the proposed review and the central role that community groups and voluntary organisations across the Borough would have in the proposed activities. Members asked for further information on the Council's relationship with different voluntary and community groups through Voluntary Action Rotherham. The Head of Policy, Performance and Intelligence advised that the Council had a an excellent working relationship with voluntary organisations, noting that this relationship had been strengthened by the work of the Council's Community Hub throughout the pandemic that had demonstrated the effectiveness and value of the Council's relationships with both large and small voluntary organisations. It was noted that the results of the evaluation of the operation of the Community Hub throughout the pandemic would be fed into the work surrounding the equalities review.

Members asked for further information on the data sources that would be used to inform the activities that made up the work that would be carried out in order to obtain the "Excellent" accreditation. The Head of Policy, Performance and Intelligence provided information on the data sources that would be used and assured members that thorough data reporting and intelligence procedures would be followed when conducting the review.

The Chair noted that a report that detailed the activities and recommendations from the sub-group of the Overview and Scrutiny

Management Board on equalities was included at a later point on the meeting agenda. The Chair proposed that the Board should make its recommendations regarding the Cabinet report on the Equalities Review – going for “Excellent” accreditation after consideration had been given to that report.

Resolved: -

That the Board make its recommendations regarding the Cabinet report on the Equalities Review – going for “Excellent” accreditation after consideration had been given to the report of the sub-group of the Overview and Scrutiny Management Board on equalities.

250. SEN SUFFICIENCY DEVELOPMENT PHASE 3

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 November 2020 in respect of the SEND Sufficiency Development Phase 3. The Deputy Leader and Cabinet Member for Children’s Services and Neighbourhood Working, the Strategic Director for Children and Young People’s Services and the Joint Assistant Director - Commissioning, Performance and Inclusion attended the meeting to present the report.

The Deputy Leader and Cabinet Member for Children’s Services and Neighbourhood Working in introducing the report noted the report and recommendations would address two key issues that were faced in Rotherham in relation to sufficiency of education for children with special education needs and disabilities that were:

- The lack of designated social, emotional and mental health (SEMH) educational provision in the Borough.
- The Newman Special School building being in need of extensive work in order to bring it to the required standard to effectively deliver education for children and young people with disabilities.

The Joint Assistant Director - Commissioning, Performance and Inclusion noted that the current proposals were the part of the Council’s ongoing SEND Sufficiency Development Strategy, and advised that Phase 3 and subsequent phases would continue to deliver on the Council’s commitment to improve outcomes for children and young people across the Borough while also ensuring the provision of services were financially sustainable into the future.

The Joint Assistant Director noted the current challenges of increased demand for services, the lack of suitable specialist educational provision in the Borough and the physical limitations of current facilities created for the effective provision of education for children with special education needs and disabilities. The Assistant Director advised that following an in-depth analysis of the current situation, four different options had been identified as potential ways forward to address the need to develop and

improve specialist educational provision in the Borough. The Joint Assistant Director summarised the strategic appraisal of the different options that had been considered. The full strategic options appraisal was included in the officer's report. Members were assured that the appraisal process had been robust and thorough in its execution.

The Joint Assistant Director advised that following the options appraisal it was proposed that the option that would best support children and young people with special education needs and disabilities to achieve improved outcomes was through the development of new, modern, and well-designed provision on the former Dinnington College site, noting that the site had sufficient space and resources to meet the needs of the children who would attend there. The Joint Assistant Director advised that the former college buildings would provide the opportunity to open a new special school that was dedicated to educating children and young people with social, emotional and mental health needs, and would also provide safe, modern and well-planned new buildings for children and young people who attended Newman Special School to receive their education in. It was also proposed that the upper school at the Newman School would also move to the Dinnington site enabling the creation of the space required for the essential capital works on the main school site to take place.

The Joint Assistant Director advised that while the proposals would not increase the overall number of places that were available in the Borough, they would ensure that places that were available matched more closely the current needs of children and young people with special education needs and disabilities in Rotherham. The Joint Assistant Director noted that an extensive consultation and engagement process would take place with all stakeholders on the proposals.

The Joint Assistant Director advised that the new school that would be created at the Dinnington site would be developed under the Department for Education free school presumption process and assured members that the Council had recent experience of this process with the opening of Waverley Junior Academy. The Joint Assistant Director noted that Newman School would remain as a local authority maintained school.

The Strategic Director for Children and Young People's Services noted the great opportunity that the proposals presented to reform specialist educational provision in the Borough in order to effectively support the needs of for children with social, emotional and mental health needs.

Members welcomed the proposals and how they would further progress the Council's work to support children and young people with special education needs and disabilities to achieve improved outcomes. Members also noted their support for the proposals that would ensure that the former college building at Dinnington continued to be used for the provision of education and also enable children and young people to access the education they needed in the Borough.

Members noted the increased numbers of children in mainstream schools with additional needs and asked how they would be supported with their needs in a mainstream school setting. The Joint Assistant Director advised that alternative provision, that had been co-produced with head teachers across the Borough would provide alternative support pathways for children and young people with additional educational needs in mainstream schools. The Joint Assistant added that the development of better aligned specialist educational provision enabled by the SEND Sufficiency Strategy would also enable the development of increased levels of support in mainstream schools for children and young people with additional needs.

Members asked for assurances that officers were confident that the provision that was being proposed would be sufficient to not only meet current needs, but would also meet the level of need for specialist provision in the Borough into the future. The Joint Assistant Director advised that the thorough data analysis that had taken place in the development of the proposals meant that officers were as confident as they could be that the proposals would meet future needs. The Joint Assistant Director also noted that the increased development of support regarding additional needs would enable more for children and young people with these needs to receive the support that they needed in a mainstream school. Members welcomed the ambition to keep as many children and young people with additional needs as possible in mainstream education.

Members asked for further information on the proposed consultation and engagement activities. The Joint Assistant Director provided details of the proposed activities, noting the involvement of the Parent and Carer Forum and headteachers.

At this point it was moved, seconded and resolved:

“That by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 the public and press be excluded from the meeting due to the likely disclosure of information relating to financial or business affairs.”

Members asked for further information on how the valuation of the Dinnington College site that was included in an exempt appendix to the report had been obtained, given the limited number of similar sites that valuers could use for comparison. The Deputy Leader advised that given the rigorous processes that had been followed regarding the valuation that he was confident that the valuation that had been provided for the site was accurate. The Deputy Leader noted that as the building had, until earlier in the year been in full use as a college and was in a well-maintained condition, that there should not be any unexpected problems encountered at later point regarding the condition of the site.

As there were no further questions regarding the exempt appendix to the report, the public and press were readmitted to the meeting.

The Chair thanked the Deputy Leader and Cabinet Member for Children's Services and Neighbourhood Working, the Strategic Director for Children and Young People's Services and the Joint Assistant Director - Commissioning, Performance for attending the meeting and answering members' questions.

Resolved: -

1. That Cabinet be advised that the recommendations be supported.
2. That the Improving Lives Select Commission continues to monitor the implementation of the SEND Sufficiency Strategy.

251. REPORT ON THE OUTCOMES OF THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD SUB-GROUP ON EQUALITIES

The Chair introduced a report that detailed the outcomes of a meeting of a sub-group of the Overview and Scrutiny Management Board on the Council's approach to equalities.

After considering the report members agreed that report "Equalities Review – going for "Excellent" accreditation" that had been considered earlier in the meeting in advance on the Cabinet meeting on 23 November, be supported.

Resolved: -

1. That Cabinet be advised that the recommendations be supported.
2. That an agenda item pertaining to Equalities be added to the Overview and Scrutiny Management Board agenda on a two-monthly basis.
3. That a fact-finding Equalities sub-group convene on a monthly or as-needed basis to discuss Equalities workstreams and lines of inquiry with a view to bringing outcomes to present at Overview and Scrutiny Management Board for further scrutiny.
4. That the Equalities sub-group be comprised of a core group of Members with at least one member representing each of the scrutiny commissions, and that Members be invited to submit to this sub-group their questions or topics for discussion related to Equalities.

252. WORK PROGRAMME

The Board considered its Work Programme.

Resolved: -

1. That the Work Programme be approved.
2. That an item on Radicalisation of young people and extremism be added to the Work Programme.

253. FORWARD PLAN OF KEY DECISIONS

The Board considered the Forward Plan of Key Decisions 1 November 2020 – 31 January 2021.

Resolved: -

That the Forward Plan be noted.

254. CALL-IN ISSUES

There were no call-in issues.

255. URGENT BUSINESS

There were no items of urgent business.

256. DATE AND TIME OF NEXT MEETING

Resolved: - That the next meeting of the Overview and Scrutiny Management Board will be held at 11am on Wednesday 2 December 2020 as Microsoft Teams meeting.