

Overview and Scrutiny Performance Board

Thursday, 26 January 2017, County Hall, Worcester - 10.00 am

Present:**Minutes**

Mr R M Udall (Chairman), Mrs E A Eyre (Vice Chairman), Mr A T Amos, Mr C J Bloore, Ms L R Duffy, Mr C B Taylor and Mr P A Tuthill

Also attended:

Mr P M McDonald
Mr J H Smith, Cabinet Member with Responsibility for Health and Well-being

Dr Frances Howie (Director of Public Health),
Samantha Morris (Overview and Scrutiny Officer) and
Alyson Grice (Overview and Scrutiny Officer)

Available Papers

The members had before them:

A. The Agenda papers (previously circulated);

A Copy of document A will be attached to the signed Minutes.

965 Apologies and Welcome

Apologies were received from Bryan Allbut.

966 Declaration of Interest and of any Party Whip

None.

967 Public Participation

None.

968 Budget Scrutiny 2017/18

The Board was asked to consider and approve the report of the 2017/18 budget scrutiny task group.

The Chairman of the Overview and Scrutiny Performance Board (OSPB) began by tabling an amendment to the draft scrutiny report in response to the findings of the Ofsted inspection of Worcestershire Children's Services.

In introducing the scrutiny report, he highlighted the following main points:

- The scrutiny task group had identified a number of initiatives which may help to bridge the £2.9 million forecast financial planning gap.
- Paragraph 22 referred to the County Council's agricultural assets, with the suggestion that a future scrutiny could look at how things might be done better.
- An 'open book' policy (paragraph 21) would allow Members to see what profits were being made by provider organisations.
- With reference to Place Partnership (paragraph 23), there was a need for further challenge.
- The Children and Families Overview and Scrutiny (O&S) Panel had not made any recommendations as it was awaiting the outcomes of the Ofsted inspection. The Ofsted report had now been published and the Children and Families O&S Panel was meeting on 27 January to consider the implications. The Ofsted report included a paragraph which specifically criticised the Scrutiny Panel. The Chairman of the OSPB felt that this criticism was unfair and unfounded. The Panel's work in relation to Children's Centres had naturally taken priority in recent months but services working to protect children had also been covered. However, he acknowledged that in general scrutiny needed to challenge more.

The Board went on to discuss scrutiny's response to the Ofsted report and the following main points were made:

- The Chairman of the Children and Families O&S Panel acknowledged that there was always room for improvement and the Panel should not be complacent. However, many of the areas covered by the Ofsted report had been considered by the Scrutiny Panel in the past year and had been referred to come back to the Panel as concerns remained. It may be that the period of time before the issues were reconsidered was too long. The suggestion by Ofsted was that the Panel had taken its eye off the ball and should have held more meetings to consider more issues. However, this had implications for the resources available to support the Panel. It was acknowledged that the changes of leadership in Children's Services and the resulting lack of continuity had caused difficulties.
- The focus on the changes to Children's Centres had been important but had perhaps meant that the issues in social care had been missed. The

focus had been on doing something for a large number of vulnerable children rather than a focus on those at the edge of care. It was recognised that this was a capacity issue and reinforced the importance of a well-resourced Democratic Services team.

- It would be important for the Panel to focus on the implementation of the Ofsted recommendations rather than looking back at what went wrong. The Panel would need time to do this properly.
- Changes to the wording of the tabled amendment were agreed. In the first sentence the word 'requires' would be changed to 'supports' and 'investigate' to 'follow up'.
- The Board would receive an interim report-back from the Panel at a future meeting. It was suggested that the Directorate's action plan should be added as a standing item on the Children and Families O&S Panel agenda. The Panel would need to have confidence in the action plan and check that it covered all of the Ofsted recommendations.
- It was suggested that the action plan was crucial and was so significant that feedback should also be given to Council.
- A Member who was not a Member of the Board was invited to comment. He suggested that the Cabinet had a lot to answer for as Members had been told that the Family Front Door was based on robust procedures and it now appeared that this was not the case. Members were reminded that the Children and Families O&S Panel would have an opportunity to talk to the current Cabinet Member and may wish to speak to the previous Cabinet Member as well.
- It was agreed that the Scrutiny Panel should focus on the future and what could be done to improve the service, recognising that there would always be an element of risk. If the Panel chose to attribute blame for the current situation, that would be up to them.
- The Directorate had been led by several Cabinet Members and Directors over a short period of time and this was not helpful. The proposal for the Children and Families O&S Panel to undertake this work was a sensible way forward.
- A question was asked about how Worcestershire's Ofsted report compared to other County Councils and whether others had received similarly poor reports. In response, it was suggested that it was not helpful to know that other Councils were

worse. The report was about the children of Worcestershire and the Council should focus on improving the services that it provided. The Chairman of the Children and Families O&S Panel agreed. It did not matter what other authorities were doing – Worcestershire County Council had been told that its services were inadequate and therefore they needed to be improved. It may, however, be useful to look for exemplar authorities whose work Worcestershire could learn from.

- In the context of the criticisms in the Ofsted report, the importance of paragraph 20 and the proper funding of Legal and Democratic Services was noted. The Chairman of the OSPB was very concerned about the future of scrutiny and reminded members that less scrutiny had been done in the past year as a result of resourcing issues and it was unlikely that the Work Programme would be completed. Scrutiny needed to be resourced adequately to do the job properly and ask the key questions. Scrutiny should be reinforced, protected and supported.
- Members were reminded that no savings had been identified by the Children and Families O&S Panel. Indeed it was proposed that extra money would be included in the budget. The Scrutiny Panel needed to look at where this money was spent.

Members were given an opportunity to comment on the budget scrutiny report. The following main points were made:

- Members were reminded that there was a Councillor working group currently looking at parking. This was focused on issues raised by residents rather than looking to identify a funding stream. The recommendation by the Budget Scrutiny Task Group was wider and deeper than the remit of the working group.
- It was suggested that there was a need for the Council to undertake a base budgeting exercise to check the adequacy of the budget for the 2 key service areas of adult and children's services. The start of a new Council would be a good time to do this base budgeting.
- Previous comments on the funding of scrutiny support were endorsed. Members were reminded that there had been a delay in the start of the drugs and alcohol scrutiny due to a lack of resources.
- Reference to the adult social care budget reserve

(paragraph 12) was welcomed. There was a lack of clarity on how reserves were managed and on how the Better Care Fund was used.

- The task group's concern about the level of bus subsidies was welcomed, as was the reference to achieving best value from highways projects. Both were issues of concern to local residents.
- The Chairman of the Health Overview and Scrutiny Committee (HOSC) wished to put on record his appreciation of the superb job done by the Scrutiny Officers supporting the committee. Continuity of support was particularly important for HOSC as the Committee dealt with numerous external agencies and the scrutiny officers had successfully built up a network of contacts.
- It was agreed that paragraph 45 would be re-worded to better reflect the task group's views.
- The Chairman of the OSPB wished to put on record his appreciation of the work done by the officers supporting the Board.
- Concern was expressed concerning paragraph 21 and the suggestion that there should be further transparency in contracts when services were commissioned. In business, 'open book' policies had been normal practice for many years. The Board was reminded that the budget scrutiny task group had received assurance from the Chief Executive that transparency (within the constraints of commercial confidentiality) already existed in the Council's contracts. The task group felt that scrutiny members should have access to this information.
- It was suggested that the Council's contracts should be drafted within an ethical framework to ensure that Council Tax money was spent within Worcestershire to regenerate the local economy and provide employment for local people, something which other local authorities already did. Members were reminded that the issue of the social contract would be discussed as part of the next item – the report of the Commissioning: Staff Terms and Conditions scrutiny task group. It had also been discussed by the Corporate and Communities O&S Panel earlier in the week.
- In response to a suggestion that it would be helpful for Cabinet to have an executive summary of the budget scrutiny report, the Chairman said that he would not want to diminish the report and would wish to see the full report considered by Cabinet.

969 Draft Scrutiny Report: Commissioning : Staff Terms and Conditions

The Board confirmed that, subject to the agreed amendments, it was happy for the 2017/18 budget scrutiny report to be sent to Cabinet for consideration at its 2 February meeting.

The Overview and Scrutiny Performance Board (OSPB) was asked to consider and approve the draft scrutiny report of the Commissioning: Staff Terms and Conditions Scrutiny Task Group.

In introducing the draft report, the Task Group's Lead Member made the following main points:

- The scrutiny had originally been set up as a result of a Member's concerns about the terms and conditions of care workers working for organisations who had been commissioned by Adult Social Care. Initial concerns had been in relation to payment for travelling time and whether 'wage theft' resulted in wages dropping below the minimum wage.
- The terms of reference had expanded as the scrutiny went on and the Task Group had looked at a range of commissioned services and considered quality control. The Task Group had been told that there was no reason why Scrutiny Members could not see Key Performance Indicators used by commissioners to monitor performance in relation to commissioned services.
- The legal advice received by the Task Group was that it was virtually impossible for the County Council to insist on union representation when staff were transferred to other organisations.
- One recommendation related to the development of a Social Value Policy and this should be monitored over time. It was suggested that the Corporate and Communities O&S Panel should receive an update on this in 12 months' time.
- It was acknowledged that some of the Task Group's recommendations could have been stronger but Members had to work within the parameters of what could and could not be achieved.

The Chairman of the OSPB informed Members that he felt this was one of the most important scrutiny reports of the last 4 years. There was serious concern about the terms and conditions of employees transferred to other employers as part of the Council's commissioning programme. He was disappointed that the Task Group did not feel it could recommend that trade union

recognition rights should be retained when staff were transferred. Trade union membership was a basic human right and the County Council should be able to insist that these rights were retained. It was suggested that, although an employee could retain the right to trade union membership, it was not possible for the County Council to insist that recognition of trade unions was maintained by new employers.

Members were invited to ask questions. The following main points were made:

- Members were reminded that, when services were commissioned out, the County Council as commissioners retained responsibility for quality and risk.
- Members were reminded that the care industry had a high level of staff turnover and it was suggested that one of the reasons for this was the terms and conditions offered by unscrupulous employers. The County Council should aim to offer a 'gold standard' so that people wanted to work for the authority (or organisations commissioned by it). Union recognition was an important part of this and the County Council should not be working with organisations which did not support strong trade unions. It was suggested that the report's recommendations did not go far enough.
- It was suggested that many successful organisations were excellent employers without union representation, for example IBM and Google. In response, it was suggested that, if the County Council was serious about keeping people in the caring profession, it should not be scared of having a strong trade union and should not be scared of asking front line workers for their views on their terms and conditions.
- The Lead Member of the Scrutiny Task Group reminded Members that, if it had been possible to put in a recommendation to meet concerns about union recognition, then the Task Group would have included it. However, legal advice was that it would not be enforceable. The Task Group was not washing its hands of the issue, but had been constrained by what the County Council could and could not do.
- Bearing in mind what the Lead Member had said, the Chairman of the Board suggested possible wording for an additional recommendation to reflect views on trade union recognition.

970 Draft Scrutiny Report: Effectiveness of the Prevention and Recovery Drug and Alcohol Misuse Service

- A Member of the Scrutiny Task Group informed the Board that he was grateful that the Lead Member had allowed the Task Group to widen the scope of the scrutiny. However, he did not feel that the recommendations had gone far enough. The County Council needed to develop an ethical framework. He suggested that on the issue of union recognition, the Task Group had been badly advised, as a number of other local authorities already insisted that trade union recognition rights were transferred when services were commissioned out. It would be useful to look at other authorities who had already developed ethical frameworks.
- The Chairman agreed that future scrutinies should be encouraged to look at best practice in other local authorities.

The Board confirmed that, subject to the agreed amendments, it was happy for the Commissioning: Staff Terms and Conditions scrutiny report to be sent to Cabinet for consideration at its 2 February meeting.

The Board was asked to consider and approve the draft report of the Effectiveness of the Prevention and Recovery Drug and Alcohol Misuse Service scrutiny task group.

In introducing the draft report, the Lead Member made the following main points:

- This was the fifth task group that he had been involved with and it was the most robust and the most challenging.
- Before Swanswell had taken over the service, there had been 59 deaths in 2 years. Drugs and alcohol cause major problems for many in terms of personal and family life. Members had been impressed by the level of partnership working across Public Health, the Police and Health Services, all of which had taken a joined up approach to the issue.
- The Task Group had heard glowing praise for Swanswell throughout the scrutiny exercise. However there was some concern that the recent merger of Swansell with another organisation would have an impact on the established good practice.
- The service was not as well funded as in other local authorities and it would be important to keep a close eye on future funding.

- The Lead Member thanked all those involved in the scrutiny, including the Scrutiny Officers, the Cabinet Member, the Director of Public Health, the Commissioning Manager and the Members of the Task Group.
- Members may have noticed a lack of statistics in the report. The Task Group had been advised that it would be against the law to include statistics as these were official Government statistics. The only figures that were available for inclusion were 3 years old. OSPB was advised that a private briefing was available for any Members who wished to look at the statistics. However, the Lead Member reassured the Board that the service was moving in the right direction on every KPI.

The Cabinet Member was asked to comment. He felt that it was a well written report and thanked Members and Officers for their work. He confirmed that it was currently not legally possible to provide year-end figures. He was very confident that the merger of Swanswell with Cranstoun would not affect the service provided.

The Director of Public Health added her thanks to scrutiny for the report. This was often a Cinderella service and she had been pleased with the level of commitment. She informed Members that she had recently met with the Chief Executive and Director of Operations at Cranstoun and had been reassured that the merger would not destabilise the service in any way.

Members of OSPB were invited to ask questions. The following main points were made:

- It was noted that the report focused on the symptoms of the problem rather than the causes. In future, it may be helpful to consider the causes of drug and alcohol addiction and look at what happened to people before they became addicted. The Task Group's Lead Member advised that, although this was not an area of expertise, the Task Group had been informed that people with mental health issues were most likely to fall into the trap of addiction. It was suggested that links with GP surgeries were also important. Addiction should be seen as a health problem rather than a law and order problem.
- The Chairman of the OSPB suggested that adults with ADHD/ADD were 50% more likely to have an issue with alcohol or substance misuse. However,

adults with these conditions were often not well supported. The Task Group Lead Member confirmed that this had not been a line of enquiry. However, the Task Group had been informed that poor housing and depression (and other mental health conditions) were often issues for those facing addiction problems.

- The difficulties of including recent statistics were recognised. A seminar for all Members when final figures were available would be welcomed.
- It was confirmed that issues of addiction were not exclusively urban but were experienced in rural areas too. Members were reminded that Swanswell had outreach provision but were looking to do more on this. The aim was to ensure that the pathway was the same wherever a service user lived. The service was clearly working well in urban areas but less data was available on rural areas.
- Concern was expressed about alcohol being seen as a 'soft' problem. In particular, it was suggested that there was an issue around university initiation ceremonies leading to hard drinking. This might be an issue for the Health Overview and Scrutiny Committee to consider. In response, Members were reminded that the level of service provision on university campuses was good, with healthcare and counselling services available.
- The issue of legal highs and the impact of recent Government legislation was raised. It was suggested that this would be an issue for Regulatory Services to monitor.
- Concern was expressed about levels of cannabis use and, in particular, the misconception that it was a harmless drug. It was suggested that this might also be an issue for HOSC to consider.
- The Cabinet Member and the Director of Public Health reiterated their view that the merger of Swanswell and Cranstoun would not have a detrimental impact on the service, although they reassured Members that they would monitor the situation.
- The Cabinet Member confirmed that the current contract could be extended if necessary or could be re-tendered if outcomes were not up to the required standard.

The Board confirmed that it was content for the Effectiveness of the Prevention and Recovery Drug and Alcohol Misuse Service scrutiny report to be sent to Cabinet for consideration at its 2 February meeting.

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The meeting ended at 11.35 am

Chairman