

Overview and Scrutiny Performance Board

Thursday, 25 October 2018, County Hall, Worcester - 10.00 am

Present:

Minutes

Mr C J Bloore (Chairman), Mrs E A Eyre (Vice Chairman), Mr A A J Adams, Mr P Middlebrough, Mrs F M Oborski, Mr C B Taylor and Mr P A Tuthill

Also attended:

Mr A I Hardman, Deputy Leader and Cabinet Member for Adult Social Care
Mr A C Roberts, Cabinet Member with Responsibility for Children and Families
Mrs E B Tucker, Group Leader 2017 Group

Tina Russell (Assistant Director Safeguarding Services (Children's Social Care)),
Avril Wilson (Interim Director of Adult Services),
Sheena Jones (Democratic Governance and Scrutiny Manager) and
Alyson Grice (Overview and Scrutiny Officer)

1062 Apologies and Welcome

Apologies were received from Mr B Allbut and Mrs J A Brunner.

1063 Declaration of Interest and of any Party Whip

None.

1064 Public Participation

None.

1065 Children at the Edge of Care and Children's Homes

The Cabinet Member with Responsibility for Children and Families and the Assistant Director, Safeguarding Services (Children's Social Care) had been invited to the meeting to update the Board on the 18 October Cabinet decision in respect of Children at the Edge of Care and Children's Homes.

The Assistant Director, Safeguarding Services was invited to give an overview of the issues involved. She made the following main points:

- In recent years, both locally and nationally, there

had been a rise in the number of children coming into the care system.

- Locally, in particular there had been a rise in the number of 11 to 16 year olds coming into care. It was known that this age group was more likely to have negative outcomes, whether in a care home or a foster home. Often, when young people leave care they move back to their family where they have local connections.
- The proposal was to do something different, as removing children from their families did nothing to address the risk of challenging behaviour or repair fractured relationships. There was a need for a whole service cultural change.
- Research from Ofsted and other authorities indicated that there was a need for an edge of care service to have key staff with a range of skills, and capacity to respond and build relationships with parents and young people. The principle was to keep children safely in the care of parents and provide support for relationships to be repaired.
- From a safeguarding perspective, there will always be some children who needed be brought into care.
- There was a need to target the resources where they could make most impact. Closing children homes would release funds to build an edge of care service.

Members were given an opportunity to ask questions and the following main points were raised:

- Although the principle of taking fewer children into care was supported, concern was expressed about the timing of changes. Even with an edge of care service in place, there would be occasions when a family might need a break in order to deal with a short term crisis. Further concern was expressed about how the service would move forward with children who were currently living in care homes but were not yet 16 or 17 and able to receive support around leaving care. To manage the transition the service would need a pool of highly skilled foster carers and a question was asked about whether this was available. A further question was asked about whether a suitable facility was available locally to support the most damaged young people in the local authority's care.
- In response, the Assistant Director informed

Members that Children's Services had been challenged on the use of residential care as a short break for families having difficulties. Often, this had been experienced as a step into care. Instead there was a need for outreach work to repair fractured relationships, something which had not been done previously. There would still be an opportunity for 'time out' but this might be via an activity rather than an overnight stay. Instead of providing new placements as an emergency to cover placement breakdown, the focus should be on what could be done to prevent the placement breaking down. The quality of care staff in children's homes was good and this was not a driver for the changes.

- In terms of timing, it was confirmed that the homes would not close immediately. The majority of children currently living in residential homes had care plans which meant they would leave anyway in the next 6 to 12 months. The proposals would stop new children coming into care. The move from residential care would be care plan-led for individual children. However, there was a need to recognise that it was not reasonable to keep a home open for six months to accommodate one child. This would not be the best use of resources when considering the majority of children. It was acknowledged that some children may experience a temporary placement.
- The Council already had a group of experienced foster carers. Further work was underway to target professionals (such as health workers or police staff) who may have worked with children in their professional life, to see if they would be interested in becoming foster carers. Also, there was a growing number of family carers coming forward.
- It was acknowledged that, although social workers would always seek to place a child as close as possible to their home area, there would be occasions when some may need to be placed in out of county residential care.
- Specialist provision commissioned from the private sector should be as good as the best offered in-house. Concern was expressed that some private providers who were offering 'residential therapeutic care' were not offering the necessary degree of intensive therapy for the most damaged young people. In response, the Assistant Director informed Members that there would be a case-by-case review of all children

currently placed in 'bought-in' care. Social workers would always seek to place children in homes that were rated 'good' by Ofsted.

- A question was asked about the implications for staff of the proposed changes and whether the cultural change needed would require a different type of staff. It was confirmed that this was an issue and work was already underway to change the culture moving away from a culture of 'just be safe'. Members were informed that 45% of children in care were taken into care before 2015. There was now a much greater focus on arranging permanency for children taken into care. The skillset of staff would be key. The Panel was reminded that the outcome of the latest Ofsted monitoring visit would be published today and officers were very pleased with the progress made. Some staff may transfer to the edge of care service and some may remain working in children's homes.
- It was confirmed that once a child had been in care for 4 or 5 years it was difficult to move them out of care. By this point their life would be well established and it was likely that they would stay in care up to adulthood.
- The development of a risk-averse culture was understandable given the high profile cases that had been in the media. However, the work being undertaken was very encouraging. The local authority seemed to have a high number of looked after children and a question was asked about how this would be reduced. In response, Members were reminded that data showed that in 2014/15 the Council had well below the national average number of children in care and the Ofsted inspection in 2016 had criticised the Council for its failure to protect children. Now, when children were taken into care, there was a focus on achieving permanency in a timely manner. Last year, the number of children coming into care had reduced and it was expected that this would reduce again this year.
- Concern was expressed that in the past there had been little financial support for family carers and it was suggested that the authority had been 'aggressively' against family care. It was also suggested that the move to centralise social work staff in Worcester had not been a success. The proposal to develop an edge of care service was welcomed.
- In response, the Assistant Director confirmed that

family care was very important as, in general, children had better outcomes when they remained with their family, recognising that parents may need support and challenge. The service was committed to supporting families and it was confirmed that it would not always be necessary to undertake assessments and take a child into care in order to allow families to look after children. The social care service needed good quality leadership at every level. As well as reduced caseloads, social workers needed good quality managerial support.

- The Cabinet Member for Children and Families reminded the Panel that the aim was to move from cure to prevention. The proposals were based on professional evidence from County Council officers, Dame Eileen Munroe's report, Ofsted, and Essex and North Yorkshire Councils which in turn was based on empirical evidence. There were currently too many children in care for a county like Worcestershire. With reference to timing, the Cabinet Member said that he had 'rolled the dice' and a detailed project plan would now be developed. In answer to the key question of 'will it work?', the Cabinet Member confirmed that it can work (as evidenced in Essex and North Yorkshire) but there was a need to get people on the front line fighting for the cause.
- The Cabinet Member went on to remind Members about the Troubled Families programme which aimed to work with families including those experiencing the 'toxic trio' of domestic abuse, mental ill-health and substance abuse. Funding for this work would run out in two years and it was not yet clear what would replace it.
- The Assistant Director agreed that the development of a centralised service with touch points in localities had been hard for social workers. The service was now moving to a model of a social work hub in Worcester with proper locality-based care throughout the County including social workers and early help staff.
- In response to a question about what would happen to the buildings once the children's homes had been closed, the Panel was reminded that two children's homes would remain open, although it was not yet decided which two this would be. Previously Cabinet had agreed the purchase of homes to provide supported board and lodgings for care leavers. This support to permanent housing for care leavers remained

important and the service continued to need the capital provision agreed by Cabinet.

- It was suggested that, although the proposals sounded good in principle, the right skillset of social workers would be key. Social workers had been trying to do similar things for years and it was not clear what would make the difference this time. In response the Assistant Director pointed out that in the past there had not been a single co-ordinated approach to managing risk in the community. No one single thing had changed. This was all part of the overall improvement journey. There was a need for a whole service approach to sustainable improvement. As with any change, there was a need to understand the impact on other parts of the service.
- In response to a question about future use of the buildings, it was confirmed that none were suitable for re-use as supported board and lodgings for care leavers. A future decision would be made about whether to sell the buildings or re-use them within the Council. The Cabinet Member pointed out that not all of the buildings concerned were owned by the County Council.
- Once the principle was established, further work would be done to develop a project plan including timings. It was clear that funds would be needed to invest in the edge of care service and this would be the priority before any contribution could be made to savings.
- The Chairman of the Board supported the theory behind the development and asked about other authorities that had undertaken similar work and whether it had been successful. He also asked about the risks involved and suggested that these should have been included in the report to Cabinet. It was suggested that a phased approach to any closures would allay fears about the impact.
- It was further suggested that it might be possible to develop the edge of care service but at the same time keep the children's homes open to provide facilities for other authorities to purchase. Again, this would reduce the risk involved if the edge of care service did not work as planned. It was clear that the driver behind the proposals was to improve outcomes for children but there also appeared to be an opportunity for financial savings.
- The Cabinet Member reminded the Board that Children's Services had required an additional

£10.5 million last year most of which had gone into this area. He suggested that further additional money would be needed to create a good service. The proposals were about the children, not the money. The Chairman informed the Board that the service would have his support if it was necessary to ask for more money.

- The Assistant Director reminded Members that reducing the number of children coming into care was about the confidence and ability of staff to manage risk. With reference to the suggestion that homes were kept open to develop a traded service for other authorities, she suggested that while beds in children's homes were available, it would be very difficult to make cultural change. If the beds were there, social workers would continue to use them. The current focus was on Worcestershire's children and there was not sufficient free management capacity to also develop a traded service.
- The Chairman re-iterated his suggestion that keeping homes open in order to sell placements to other authorities was worth exploring as it would allay any fears about the pace of change and at the same time produce a revenue benefit. The CMR confirmed that he would make the Worcestershire Children First Programme Board aware that this had been raised.

In conclusion, it was agreed that the following comments would be forwarded to the Cabinet Member with Responsibility for Children and Families:

The Board agreed that in principle it supported the direction of travel with a focus on achieving better outcomes for children and young people. The Board requested:

- further clarification on proposals for the future use of the buildings concerned to ensure the opportunity this presents is maximised; and
- further information on how support for those at the edge of care will be organised in localities.

1066 Future Use of the Grange, Kidderminster

The Cabinet Member with Responsibility for Adult Social Care and the Director of Adult Services had been invited to the meeting to update the Board on the 18 October 2018 Cabinet decision in respect of the Future Use of The Grange, Kidderminster.

By way of introduction, the following main points were made:

- In February Cabinet made a decision about the future use of The Grange and agreed to re-purpose the building as a long-term dementia unit. At this point decision makers did not have all relevant information in place and, in particular, a feasibility study on the future use of the building was not available. When the feasibility study was produced it was clear that the business case for the development of the dementia unit was not practical. Given the new information, the revised proposal was to close the facility.
- There continued to be a need for a wide spectrum of dementia care and further work needed to be done to establish the range of need across the county. This need might be met through direct provision or by stimulating the market.
- The options appraisal made it clear that the capital cost of necessary refurbishment would outweigh any financial benefit of re-purposing the building. It was acknowledged that The Grange was valued in Kidderminster but the building had now reached the end of the road.

Members were given the opportunity to ask questions and the following main points were raised:

- It was disappointing that the February Cabinet report had not recognised that there would be major problems with the use of The Grange as a dementia unit. The building was in clear need of updating and there appeared to have been neglect of a capital asset.
- Of greater concern was the lack of provision for dementia care in the area. Dementia patients often had elderly partners and local provision was important. The loss of local dementia beds was a major concern.
- The Director of Adult Services agreed that there was a need across the county for specialist units. Everyone should have a choice of good quality care with reasonable costs. She suggested that the county was at a tipping point in relation to older people with many more over 75s in the population. She was pleased that the public recognised the quality of local authority provision but pointed out that there were also some very good private providers.
- The clarity of paragraph 25 of the Cabinet report

in giving details of the actual savings to be generated by the closure was welcomed. A question was asked about whether the current forecast of £1.230m cost reduction would be used to mitigate cost pressures in Adult Services and what capital receipt might be achieved by the sale of the site. In response, the Director informed the Board that she would certainly make the case for the forecast saving and any capital receipt to be used to support budgets in adult social care.

- It was suggested that there was a need to be clear about what provision there currently was across the county. In response, the CMR confirmed that work was ongoing on a market position statement which would be discussed by Cabinet in November.
- The Vice Chairman summarised views expressed by suggesting that Members supported the direction of travel of the proposal and agreed that it was not appropriate to design a service around an asset. All Board Members would wish to see a better dementia service for residents. The Cabinet Member reminded the Board that the Adult Care and Well-being Overview and Scrutiny Panel would be looking at dementia care as part of its consideration of the market position statement. It was confirmed that this would be added to the scrutiny work programme for the Panel.
- It was confirmed that the building was not suitable for a dementia unit and would have meant a compromise in the care provided. The market position statement was a statutory document that the Council had to produce. With reference to dementia care, there was currently a gap in the market. It was confirmed that the Council used both private and not-for-profit providers. Once the Council talked to the market, it would be possible to move quickly on this. The Cabinet Member suggested that if additional Council-run provision was needed, it could take 3 or more years to build a new facility from scratch.
- Although The Grange was not an appropriate building for a dementia unit, the site itself may be useful. There were currently 3 unused Council sites in Kidderminster and concern was expressed that the Council should not 'sit on' the site but should make use of it. The Cabinet Member confirmed that he would pass on concerns to the Cabinet Member with Responsibility for Transformation and Commissioning.

- It was confirmed that there were currently in the region of 40 fte staff working at The Grange. Existing service users would be moved to new facilities from mid-January. The Director of Adult Services reminded Members that she had joined the Council in February 2018 and had not been involved in the original decision. At the time, the enthusiasm of staff had led to a position where officers were not thinking strategically, but were attempting to design a service around an asset. Members were assured that lessons from this had been learnt.

The Board agreed that it would wish to make the following comments to the Cabinet Member with Responsibility for Adult Social Care:

- In principle the Board supported the direction of travel.
- It noted the lesson learned that it was not appropriate to design a service around an asset.
- Members would wish to see a better service across the county for people with dementia.
- The Board noted that the market position statement would be considered at a future meeting of the Adult Care and Well-being Overview and Scrutiny Panel.

1067 West Midlands Scrutiny Network

On 3 October the Vice Chairman of the OSPB had attended a West Midland Scrutiny Network event and she updated the Board on the main issues discussed.

New Government guidance on scrutiny was being drafted by the Ministry of Housing, Communities and Local Government (MHCLG) and the network had discussed what might be included. In summarising the discussion, the Vice Chairman made the following points:

- Scrutiny questions should be precise. Formulating the correct question was key to successful scrutiny.
- Powers to scrutinise external bodies should be made clearer.
- Chairs of scrutiny bodies should be elected by the committee as it was important that the person chosen knew how to chair.
- Information should always be in the public domain unless it could be demonstrated that harm would be done by publishing.

- Any item coming to Cabinet should also come to scrutiny as this would improve the Cabinet report.
- The scrutiny work programme should be shared with District Councils and other Local Authorities in order to identify common topics and avoid duplication.

In the discussion that followed, the following main points were made:

- There needed to be complete transparency on budget figures for the scrutiny process to be successful, as it was crucial to understand what resources were available. Identifying a 'scrutiny champion' on Senior Leadership Team would be important in achieving this.
- Involving other Local Authorities, in particular Town and Parish Councils, should be done in a sensitive way.
- In the interests of transparency, all scrutiny panel meetings should be webcast.
- The importance of performance information was noted. It was crucial that each Panel considered relevant performance data so that trends could be identified and reports made on an exception basis.
- All Panels must have budget information on a quarterly basis.
- It was suggested that the Board should write to the MHCLG and also to the Leader and Chief Executive of the County Council giving their views on the guidance. The Vice Chairman volunteered to draft these letters.
- Members were reminded that, at the Board's last meeting, it had been agreed that performance information and in-year budget figures would be considered by the Board four times a year.
- With reference to webcasting, it would be useful to see viewing figures before any decisions were made, as webcasting more meetings would require additional funding. The Chairman of the Economy and Environment O&S Panel expressed concern that, although webcasting was useful for Council, Cabinet and OSPB, it was less useful for Panels as it may inhibit the officers attending.
- Feedback from the Network meeting had suggested that scrutiny should report to Council rather than to Cabinet. This was also favoured by Ministers. The Vice Chairman expressed concern that this might slow the scrutiny process down as Council met less frequently than Cabinet. It was

suggested that OSPB might need to retain the flexibility to report to either body.

- A Councillor who was not a Member of the Board was asked for her views. She supported the idea of scrutiny reporting to Council as it would enable participation from a wider range of Members. The current system had reduced opportunity for Members to express a view and she welcomed wider participation and ownership.
- With reference to the idea that a committee chairman should be chosen by the committee, the implication was that this would override proportionality. It was suggested that the current system of OSPB being chaired by a Member of an opposition party guaranteed an element of challenge.
- Webcasting additional meetings would be a challenge while County Hall only had one room with the facility to webcast. A second smaller webcast facility would be needed.
- It was suggested that proportionality should not be a requirement for scrutiny task groups. It was more important to have Members who were interested and motivated to do the work.
- It was suggested that scrutiny reporting to Council rather than Cabinet was a major constitutional issue that should be carefully considered. It was suggested that this may be a question to pose to the Chief Executive as a way of understanding the implications of such a change.

In conclusion, it was agreed that the Vice Chairman would draft two letters as follows:

1. Letter to Government covering the following points:
 - a. There was a need for transparency on the budget for scrutiny and greater leadership on scrutiny would be welcomed.
 - b. The Board would welcome more powers to call other bodies to scrutiny.
 - c. Further opportunities to webcast meetings would be welcomed provided additional funding was made available.
2. Letter to the Leader of the Council and the Chief Executive covering the following points:
 - a. The Board would welcome greater senior leadership support for scrutiny.
 - b. Members appreciated the increased availability of performance and budget

- information coming to Panels.
- c. The Board would wish to retain the flexibility to report to Council and Cabinet as appropriate.
 - d. OSPB would welcome more items coming to scrutiny before being considered at Cabinet.

It was agreed that drafts would be circulated to Members of the Board for comment before letters were despatched.

1068 Member Update and Cabinet Forward Plan

Bus and Community Transport Scrutiny Task Group

The Task Group had held three meetings so far and had another two planned. Feedback from Councillors had been excellent and Members were thanked for taking the time to respond. The Task Group had also spoken to representatives of Diamond and First Buses and other stakeholder user groups, and received feedback from members of the public. Work to date had largely focussed on buses and the Leader was keen that the Task Group also followed up the second element of the scrutiny, namely community transport.

Children and Families O&S Panel

Family Front Door Scrutiny Task Group

The Chairman and Vice Chairman of the Children and Families O&S Panel were due to meet with the Director of Children, Families and Communities and the Assistant Director Safeguarding Services (Children's Social Care) to discuss taking this scrutiny forward. Members were reminded that the Scrutiny Task Group would be led by the Vice Chairman of the Panel, as previously agreed by OSPB.

Overnight Short Breaks for Children with Disabilities

This scrutiny was still ongoing and the Task Group would be receiving feedback on the further work being undertaken by Officers in Children's Services.

Meeting with Key Stage 2 headteachers

In October, the Panel had held a successful meeting with Key Stage 2 headteachers. The meeting had heard from Bromsgrove headteachers about successful collaborative working in their area. Key Stage 2 results were a huge

issue for the County and the Panel was looking to support a 'One Worcestershire' approach to improving attainment.

Health Overview and Scrutiny Committee

The Committee had received comprehensive information from the Ambulance Trust about its plans for the winter and the Trust appeared to be ahead of the game. With reference to the Acute Trust, it was disappointing that HOSC had not received any information about the Trust's plans to cover the departure of the Chief Executive.

A further meeting of HOSC would be held at the end of November to consider plans for winter pressures. An informal briefing about the STP was also being planned.

Corporate and Communities O&S Panel

The Panel was due to hold its next meeting on 7 November to consider libraries re-modelling and in-year budget issues. The Panel had also received a budget briefing which included both surprising and unsurprising information. The Chairman informed the Board that the Panel's Vice Chairman had recently suffered an injury while on Council business and he sent her get well wishes.

On 23 October the Panel had held a robust meeting on commissioning with the CMR for Transformation and Commissioning and the Director of Commercial and Commissioning. Following the meeting, the Panel would be asking the CMR to set out her vision for commissioning and where the Council is going, and invite her and the Director back in six months' time to update the Panel on progress. It was important to ensure that the Council had the skills to run a commissioning service. Whether a service was commissioned out or kept in-house, the aim would be to get best value for money and the best service for residents.

With reference to the School Library Service, the Chairman of the Board informed Members that he had been shocked to learn that the decision to end the service was an Officer delegated decision. He suggested that this was a potentially successful revenue raising service which had had insufficient business management input. He informed the Board that Essex County Council had professional business managers running their School Library Service which was now a revenue raising service and traded with other Councils. He suggested that

officers in Worcestershire were not given sufficient time to put together a business case. In response, the Chairman of the Corporate and Communities O&S Panel agreed that he would raise this with the CMR for Communities at the Panel's next meeting.

Crime and Disorder

The Lead Member for Crime and Disorder raised the implications of the Police and Crime Commissioner's recent decision to withdraw from the Strategic Alliance with Warwickshire Police. He informed Members that the Chairman of the Police and Crime Panel would be attending the Board's next meeting to update Members. He suggested that the Board may wish to invite the Police and Crime Commissioner (PCC) to a future meeting. Members were reminded that the PCC was attending Council in November.

Economy and Environment O&S Panel

The Panel had received a finance briefing in early October which provided an opportunity to drill down into the figures. In November, the Panel would be considering broadband, issues relating to highway maintenance and performance information. Concern was expressed that up to date performance information was not available and the Panel Chairman informed Members that this was something that he planned to raise with the Leader of the Council.

Forward Plan

Concern was expressed about the proposal to include the education service in the scope of Worcestershire Children First (the Alternative Delivery Model for Children's Services). The implications of the proposal on how services for which the County Council would remain responsible needed to be understood.

The meeting ended at 12.54 pm

Chairman