

Time Commenced – 18:03
Time Finished – 20:52

Executive Scrutiny Board

13 February 2018

Present: Councillor Stanton (Chair)
Councillors Barker, Carr, Eldret, Hezelgrave, M Holmes,
Jackson, J Khan, Pegg, Poulter and Webb.

In Attendance: Andy Smith, Don McLure, Christine Durrant, Pervez Sadiq,
Suanne Lim, Richard Burton, Heather Greenan, Kas Sahota,
Catherine Williams, Emma Dann, Lisa Melrose, Clare Harrison
(Democratic Services).

65/17 Apologies for Absence

Apologies for absence were received from Councillors Bayliss and Graves.

66/17 Late Items

There were no late items for the Executive Scrutiny Board Agenda, however, Members were informed that Late Items had been received for the Council Cabinet agenda. These included a revised report on the Review of the Council's Insurance Strategy and an Addendum to the Contract and Financial Procedures Matter report on the Libraries Strategic Review: Funding to support Community Managed Libraries.

67/17 Declarations of Interest

Councillor Webb declared himself as a Council appointed Member of the Derby Homes Board and Chair of the Care Home Committee for the Liversage Trust.

68/17 Minutes of the previous meeting

Minutes of the previous meetings held on 19 January 2018 were agreed as an accurate record.

69/17 Forward Plan

The Board considered the contents of the Forward Plan published on 16 January 2018. No items were added to the future work programme.

The Board resolved to note the Forward Plan.

70/17 Transfers from Statements of SEN to EHC Plans

The Board considered a report of the Strategic Director of People updating the Board on the processes and progress of the transition of existing statements of Special Educational Needs (SEN) to Education, Health and Care (EHC) Plans against the statutory deadline of 31 March 2018.

It was reported that the Council has completed a successful tender exercise to write both new and transfer EHC Plans with Aspire Children's Services. There have been three review meetings held with Aspire Children's Services to ensure the quality and timeliness of writing EHC Plans.

The Board was informed that the team has had a very challenging time since the work on conversions commenced in 2014, due to a very high demand level and low capacity caused by staff shortages, illness and retention issues. The work on transitioning existing statements to ECHPs has been prioritised over the processing of new ECHPs over the last 12 months to meet the March deadline, and steady progress has since been made against this. Officers highlighted that with conversions from existing statements to ECHPs the service offer and entitlements for the child remain the same.

It was reported that for the Pre-16 Group, there are 469 plans in progress, which includes 149 draft plans with parents, 297 with plan writers and 23 in process of being finalised to be sent to plan writers. An additional 326 plans have been finalised in total so far.

It was reported that for the Post-16 Group, there are 93 plans in progress, which includes 48 draft plans with parents and 49 in process of being finalised to be sent to plan writers. An additional 436 plans have been finalised in total so far.

Officers informed the Board that there are two teams dedicated to conversions that are committed to this shared priority. Members were reassured that every effort is being made by all to ensure that EHC Plans are finalised by 31 the March 2018 deadline.

The Strategic Director of People Services reiterated that the team has been pulling out all the stops and working relentlessly to meet the statutory deadline, facing a catalogue of challenges along the way. It was also reported that the DfE had been kept informed and were satisfied with the progress made to date. Members were informed that one of the challenges is to help parents understand the urgency to prioritise the plans as they still see a normal level of service provision for their children.

Members expressed concern about the number of plans not yet completed and the ability to meet the statutory deadline, and queried what would happen if the deadline was not met. Members were informed that the DfE is aware that there are still a lot of statements across the country that are yet to be converted and on issuing their reminder letter to Local Authorities about the deadline, the Council was informed that for children whose plans are not in

place by 31 March, the statements would still be valid on 01 April. However, the Board was reassured that everything is in the system (at different stages), progress is strong and officers are still doing everything possible to deliver by the statutory deadline.

Councillors also expressed some concern over the quality of some of the plans and wanted some assurances on this and asked what quality controls are in place. The Board was reassured that everything that is in the existing statement is put into the ECHP and if parents are not satisfied, a review of the ECHP will be undertaken within 6 months. Members were informed that there have already been some reviews where the conversions were not straightforward or where the needs of the child have changed. It was also reported that the SEND Improvement Board is in the process of developing a Quality Assurance Framework which will audit plans going forward, once the conversions have been completed.

Members queried what will happen to the post-16 group with ECHPs once they move into the adult care forum, and how this is rolled out for the future of young adults. Members were informed that there is a good interface between this team and the preparing for adulthood team, but that most children with ECHPs won't have a need as adults under the Care Act which will require ongoing support. However, it was reported that those who do will have had the benefit of having their needs identified early on as a result of the Council having joined-up children and adults 'People Services'.

Members thank officers for the update and asked that a further update on progress be reported to the next meeting of Executive Scrutiny Board in March, including an update on the conversion figures, what the plan is for monitoring progress during the remaining period and what happens if the statutory deadline is missed.

It was resolved to request an update report on progress be reported to the next meeting of Executive Scrutiny Board in March, including:

- **the latest conversion figures;**
- **the plan for monitoring progress during the remaining period; and**
- **detail on what will happen if the statutory deadline is missed.**

71/17 Performance Items and Performance Forward Plan

The Board considered a report of the Chief Executive and received an update on performance around achieving independence for older people. The Board also received information in relation to the Quarter 3 Performance Report.

It was reported that the Board received a detailed report on Adult social care, including residential admissions and safeguarding in January 2017 and that the presentation aimed to update the Board on progress around achieving independence for older people and keeping vulnerable adults safe.

The Board was informed about how preventative work (Step Up) is delivered by delaying the need for care and support through the work of the Healthy

Housing Hubs (HHH), Local Area Co-ordination (LAC) and other teams providing care and support services which help maintain independence. The Board was also told about how this is carried through to the Royal Derby Hospital setting to assess needs and identify the most appropriate pathway for discharge and care away from hospital (Step Down) to try and ensure the most independent option.

It was reported that historical performance for hospital discharges, rehabilitation and care home admissions is good against comparator and national averages in the Adult Social Care Outcomes Framework. Members were informed that the admissions to long term care is forecast to meet the year-end target and that the performance of preventative work is positive and programmes such as the LAC and the HHH are helping people to remain in and regain independence across the city.

The Director of Adult Social Care Services informed the Board that performance trend analysis shows Derby performing better than comparators authorities and national averages for delayed discharges (i.e. shorter delay times than others). Trends also show a greater percentage of adults are becoming independent within 91 days of discharge from hospital in Derby than our comparators authorities and national averages.

Members expressed a view that they felt all wards in the city should have access to LACs and were informed that whilst there is an ambition to roll out LACs to all wards, but that this would be expensive to implement in reality. However, Members were informed that the DfE is providing funding for an additional four LACs for the leaving care service.

In relation to safeguarding, the Board was informed that the Multi Agency Safeguarding Hub (MASH) which is made up of member agencies, operates from the Council House. Where there are safeguarding concerns with an individual they are referred into the MASH. It was reported that various parts of the NHS also have their own safeguarding services. It was reported that the historical performance for safe measures is good against comparator and national averages.

Members were informed that additional Adult Social care Workers are being recruited to support the work of the MASH, funded by the Better care Fund. Extra training is also being delivered to frontline staff in partnership with the Derbyshire Safeguarding Adults Board to help staff identify safeguarding issues, raise awareness on how a safeguarding enquiry is made and make staff aware of the agencies best placed to follow-up on issues. It was also reported that work is being done on new GDPR regulations and more work is needed on Deprivation of Liberty Standards (DOLS) to raise awareness and ensure compliance. It was further reported that a national review of DOLS is underway which may result in some changes.

The Director of Adult Social Care Services highlighted some next steps for the Board, which included working towards achieving objectives in the joint Adults Social Care Business Plan; monitoring Cabinet Member Pledges; tracking Better Care Fund measures and taking part in a Regional Peer Review and providing feedback on Derby Adult Social Care self-assessment. The Board

was also informed that they will continue to receive reports as part of the performance forward plan.

Members noted the performance update and thanked officers for attending the meeting.

The Head of Performance and Intelligence outlined a report on the on progress made towards the Future of Derby 50 Pledges (Council Delivery Plan) and includes highlights from key performance measures included in the Council Scorecard.

Members were informed about the notable achievements, improving performance, and areas of slippage and deterioration of performance at quarter one. It was also reported that there are three Performance Surgeries scheduled to take place by the end of April 2018 on Sickness absence (update), the rise in child protection plan numbers / rates; and a review of the impact of the SIF Improvement Plan.

Members queried the difficulty in increasing the number of free school breakfasts and were informed that there are a range of issues preventing take-up, including resistance by schools and the practicalities around the nature, provision and clean-up of breakfasts. It was also reported that some schools already provide paid for breakfasts as part of their pre-school/day care arrangements.

Members again raised the issue of the number of days lost per employee through sickness absence and the achievability of this. Officers clarified that although it was not expected that the target of 8.5 days would be achieved, it wouldn't be appropriate to not aim for the national average as a target.

Members queried that as 34% of targets are being missed, are there too many ambitious targets in the scorecard and suggested that it might be better to make some of the nearly missed targets more achievable so that more problematic issues could be identified and addressed. The Board requested that as part of the next year's target setting they would like to see previous and future targets presented together for comparison. The board also requested that the performance data be presented in colour as a one-off.

No recommendations to Council Cabinet were made by the Board on this item, however the Board requested that as part of the next year's target setting they would like to see a report presenting previous and future targets (in colour) together for comparison.

The Board resolved to request that as part of the next year's target setting they would like to see a report presenting previous and future targets (in colour) together for comparison.

71/17 Council Cabinet Response to Scrutiny Recommendations

The Board considered a report of the Chief Executive which allowed the scrutiny board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 17 January 2018.

The Board resolved to note the report.

72/17 Council Cabinet Agenda

The Board considered a report from the Chief Executive on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 14 February 2018 and made a number of comments and recommendations to Council Cabinet.

Item 8 - Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2019-2020

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills to approve the proposed admission arrangements for Community and Voluntary Controlled infant, junior, primary and secondary schools as the determined (set) admission arrangements for the 2019-2020 academic year.

Members were informed that no objections or issues have been raised as a result of the consultation, which took place from 01 November 2017 until 13 December 2017.

Members queried whether a High Court ruling giving parents more rights to allow summer-born children to start in reception aged 5 if that is what parents want, had been incorporated into the arrangements. The Director of People Services reported that he would seek further clarification on this in advance of the decision at Council Cabinet.

The Board resolved to request that Council Cabinet seek further clarification from the Strategic Director of People Services on the admission arrangements relating to the High Court ruling on admission arrangements for summer-born children.

Item 9 - East Midlands Regional Adoption Agency

Members considered a Council Cabinet report of the Cabinet Member for Children and Young People and Safeguarding and Strategic Director of People Services to agree in principle that a regional adoption agency for Derby, Derbyshire, Nottingham and Nottinghamshire councils operates a shared adoption service called D2N2 Regional Adoption Agency (RAA).

Members queried the length of the pilot and were concerned that a pilot of less than 12 months was insufficient to understand if this had been

successful. The Board was informed that the Government had set a mandate for Local Authorities to move towards the creation of Regional Adoption Agencies by 2020. The Board was further informed that a Project Governance Board has been meeting to look at the best way to achieve this for Derby since 2015, and continues to meet regularly and has access to corporate work streams, for example, finances; HR; communications; and ICT.

Members also queried the role of Elected Members in the future RAA in relation to their responsibilities as Corporate Parents and ensuring the safeguarding of children being placed under these new arrangements. The Board also expressed concerns around being held accountable for staff not under the control of the Council, as well as the governance arrangements around service delivery and accountability.

Members were informed that all authorities involved are rated 'good' by Ofsted and if this were to change it was expected there would be governance arrangements in place to deal with this. Members were further informed that the safety of children will not be compromised by the new arrangements and that the authority will still be subject to rigorous assessments by Ofsted. The Board was also reassured that benefits to Derby will include a wider pool of adopters for placements, particularly for those children who need to be placed out of area, and that the high costs associated with finding and securing placements out of area will largely disappear through the new arrangements.

The Board queried what would happen if Derby made a decision to delay the move towards the RAA arrangements and was informed that the other authorities are set to go ahead and will do this without Derby if Derby pulls out. The Board was made aware that the other D2N2 authorities involved are some of the best performing authorities in the region in this area and warned that if Derby delayed then the authority would run the risk of having to enter into an RAA with lesser performing authorities, due to the Government mandate to do this by 2020.

The Executive Scrutiny Board resolved to:

- 1) request that Council Cabinet note the Board's concerns; and**
- 2) request that officers bring a report detailing the governance and corporate parenting frameworks to a future meeting of the Board prior to sign off and implementation.**

Item 10 - Council Tax Exemption for Care Leavers

Members considered a Council Cabinet report of the Cabinet Member for Children and Young People and Safeguarding and Strategic Director of People Services to agree a Council Tax exemption for all Former Relevant Care Leavers up to the age of 25 years as part of the 'local offer' to Care Leavers and pledge as their Corporate Parent.

It was reported that discussion have been held with care leavers and this scheme is as a result of listening to concerns and acting upon them. Members were informed that at present there are around 60 other Local Authorities arranging similar exemptions and that currently there are 28 Care Leavers live

independently who are exposed to Council Tax Payments and would be eligible for this exemption.

It was further reported that of the 28 Care Leavers living independently:

- 4 of the 28 are in full time education therefore at present are exempted from Council Tax.
- 7 of the 28 living independently are NEET and on full benefits and therefore only pay approximately £10 per week Council Tax as they are subject to a reduction of 70%.
- 17 of the 28 are in apprenticeships or are in employment and pay significant contribution to their Council Tax.

The proposal would therefore immediately impact upon 24 Care Leavers (19% of total).

Members were informed that calculations based on Band C Council Tax for the current eligible 24 Care Leavers would cost around £26k per annum.

Members were in full support of the proposals but requested that Officers check that the exemption will not result in any issues for individuals in future in relation to other benefit claims.

The Board resolved to request that Council Cabinet seek assurances from the Strategic Director of People Services that the exception will not have an adverse impact on individuals in relation to future benefit claims.

Item 11 – Adult Social Care Fees and Charges 2018/19

Members considered a Council Cabinet report of the Cabinet Member for Cabinet Member for Integrated Health and Care and Strategic Director for People Services seeking approval for a 3.8% fee increase for: independent sector standard residential care; dementia residential and nursing care weekly fee rates; and standard independent sector homecare services from April 2018. The report also sought to approve from April 2018 an hourly rate of £10.18 for Sleep In's, to cover the rulings that at least minimum wages should be paid to workers.

It was reported that the increases are in line with increases in the National Living Wage and inflationary factors.

The Board resolved to note the report.

Item 12 – Development of high quality office complex (Bold Lane)

Members considered a Council Cabinet report of the Cabinet Member for Communities and City Centre Regeneration and Strategic Director for Communities and Place seeking approval to progress the Business Case for a direct development by the Council of high quality, commercially-let offices at Bold Lane.

It was reported that the project will create quality workspace for growing businesses, addressing the market failure in the supply of larger, high quality office units in the City Centre. The development of this site will reinforce the Sadler Square area as a prime office location, bringing back into use a brownfield site and supporting the wider regeneration of the area. The overall purpose of the project is to support the much needed development of the office market in the city centre.

The Board queried if there was a reason that the likelihood and impact of risks had not been included as part of the business case and was informed that this hadn't been deemed necessary at this stage of the project.

The Executive Scrutiny Board made no recommendations to Council Cabinet but requested that future business cases for this type of project include the likelihood and impact of risks as part of the risk register.

The Board resolved to consider the report under the more detailed exempt item at Item 19 of the Council Cabinet Agenda.

Item 13 – Social Impact Bond for Children in Care and on the Edge of Care

Members received a Council Cabinet report of the Cabinet Member for Safeguarding and Children and Young People and Strategic Director for People's Services to approve proceeding with the development of a final social investment proposal to the Life Chances Fund.

The Board queried how this would operate and were informed that this is a very new and innovative model for service delivery which would involve tendering for an investor who are then incentivised to work with partners to deliver specified outcomes for children and young people. The Board was informed that by working with other funding sources and other Local Authority partners, this will bring interventions into Derby which would be more difficult otherwise. It was also reported that as this is a very new approach to service delivery there are potential risks which will need working through very carefully, and these will be further considered during the procurement and engagement process.

Members queried why Derbyshire is not included in the joint procurement between Derby City Council, Nottingham City Council and Nottinghamshire County Council and were informed that Derbyshire had decided not to get involved, possibly due to the risks and uncertainty involved.

The Board stated that it was generally in support of this approach in principle, but would like to see some case studies included in the report to Council Cabinet expected in Summer 2018 as outlined in the recommendations.

The Board resolved to request that the report due to be submitted to Council Cabinet in Summer to approve the award of the contract includes some case studies to enable better understanding of the service delivery model prior to approval.

Item 14 – The payment of an annual grant to Derbyshire Wildlife Trust for the management of Land called Derwent Meadows at Derby Commercial Park, Raynesway, Derby

Members received a Council Cabinet report of the Cabinet Member for Finance and Governance and Strategic Director for Communities and Place to approve the Council in making a grant award to Derbyshire Wildlife Trust each year for the period of 2018 to 2028 for the management of the Derwent Meadows Nature Reserve.

It was reported that, in 2007, Derby City Council granted planning consent for a large commercial development that is now known as 'Derby Commercial Park'. One of the conditions of the planning approval was for the developer to gift to the Council (by way of a 99 year lease) circa.60 acres of land adjacent to the River Derwent (referred to as Derwent Meadows) and for this land to be managed by the Council as a nature reserve.

The Board was informed that a further report will be submitted to Council Cabinet in the financial year 2017/8 to seek approval to the future financial and management arrangements for the Derwent Meadows Nature Reserve.

The Board resolved to note the report.

Item 15 – Budget Outturn Quarter 3, 2017/18

Members considered a Council Cabinet report of Cabinet Member for Finance and Governance and Chief Executive summarising the Council's overall financial position at the end of December 2017 against the budget approved by Council on 15 February 2017. This included:

- Revenue budget
- Capital budget
- Reserves
- Treasury
- Dedicated Schools Grant (DSG)
- Collection Fund
- Housing Revenue Account (HRA)

Members again queried the capital programme slippage and inaccurate spend forecasting. Officers reassured Members that they are aware that this is still an issue and that alternative ways of demonstrating progress of spend on projects in the capital programme would be looked at.

The Board made no recommendations to Council Cabinet but resolved to request that further thought is given to how progress against items in the Capital Programme can be better demonstrated.

Item 16 – Performance Monitoring 2017/18 – Future Of Derby Pledges December 2017 And Quarter Three Results

This report was considered under the main Executive Scrutiny Board Agenda item on Performance Items and the Performance Forward Plan.

Item 17 – Contract and Financial Procedure Matters Report and Libraries Strategic Review: Funding to support Community Managed Libraries Addendum

Members considered a Council Cabinet report of Cabinet Member for Finance and Governance and Chief Executive outlining a number of items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

Members of the Board queried the request to carry forward Neighbourhood Budgets underspend of £118k and requested a breakdown of which wards this underspend has come from. Members also queried the contract waiver for operation of the Assembly Rooms, Chapel Street and Bold Lane car parks and how this will work once demolition work on the Assembly Room commences and if the car park operation is affected by this. The Board was informed that the Terms and Conditions of the Contract will allow for the Council to extract itself from this part of the agreement if necessary.

On the Addendum relating to Communities Managed Libraries, Members queried if there had been an addition of funds into the funding pot, local groups interested in managing the libraries should be made aware as soon as possible. Officers clarified that the addition of funds was a movement of funds already attributed to the development of CMLs but was being moved to allow more flexibility and increase the likelihood of all the community benefits being delivered successfully across all four years of the project.

The Board resolved to note the report.

Item 18 – Townscape Heritage Initiative – Proposed grant for Quick Silver

Members considered an exempt Council Cabinet report of the Cabinet Member for Regeneration and the Economy and Strategic Director for Communities and Place.

The Board resolved to note the report.

Item 20 – Review of the Council's Insurance Strategy

Members considered an exempt report to Council Cabinet of the Cabinet Member for Finance and Governance and the Chief Executive containing information in relation to the Review of the Council's Insurance Strategy.

The Board resolved to note the report.

MINUTES END