

Executive Scrutiny Board

9 October 2018

Present: Councillor Graves (Chair)
Councillors Ashburner, Eldret, J Khan, Marshall, Potter,
Rawson, Russell, Stanton, Willoughby and Wood.

In Attendance: Councillors Hezelgrave, M Holmes, Peatfield and Williams.

38/18 Apologies for Absence

Apologies for absence were received from Councillors Hudson and Jackson.

39/18 Late Items

There were no late items.

40/18 Declarations of Interest

There were no declarations of interest.

41/18 Minutes of the meetings held on 11 September 2018 and 19 September 2018

The minutes of both meetings were approved as a correct record.

42/18 Forward Plan

The contents of the Forward Plan published on 11 September 2018 were received and noted.

43/18 Performance Items and Performance Forward Plan

A report of the Chief Executive recommended several performance items for consideration as part of the board's plan for review. This was accepted by the board.

A presentation was received from the Head of Performance and Intelligence detailing progress on the Corporate Peer Challenge, including findings of the Local Government Association, recommendations made, and progress and actions arising. The Head of Customer Management also provided a presentation about the handling of complaints.

Resolved:

- 1) **To accept the Performance Forward Plan for 2018/9 as detailed in Appendix 2 of the report; and**
- 2) **To note progress against the Corporate Peer Challenge action plan and to request that Council Cabinet recommend to Council the adoption of four-yearly all-out elections.**

44/18 Council Cabinet response to scrutiny recommendations

A report of the Chief Executive detailed the actions of Council Cabinet arising from recommendations made by the Executive Scrutiny Board on 11 September 2018 and 19 September 2018. The report was noted.

45/18 Council Cabinet agenda

The board considered the Council Cabinet agenda for the meeting scheduled to take place on 10 October 2018.

Item 8 Referrals from Council – Long-term Waste Contract

The board considered a report of the Interim Monitoring Officer which referred to Council Cabinet two motions passed by Council on 27 September 2018, in relation to the Long-term Waste Contract. The report recommended deferring any decision until it could be considered alongside technical, legal and financial information. Two other options; either accepting the resolutions of Council or dismissing the resolution, were included in the report but neither was recommended.

The board sought clarification on what technical, legal and financial information was awaited. Councillors were advised that it would be improper for Council Cabinet to make a decision without taking account of the latest technical situation with the facility and fully understanding the potential legal and financial implications of a decision to terminate the contract.

Clarification was sought on what progress had been made on conditions that had been placed on RRS. The board was advised that the deadline for any such conditions to be met had not expired, but an updated position would be expected by 19 October 2018. It was confirmed that RRS was in breach of the contract by not having completed the facility by 30 September 2018.

The Cabinet Member for Regeneration and Public Protection attended and made representations to the board requesting that the report be supported and proposing engagement with all group leaders on the situation as it progressed.

It was confirmed following a question by a board member that any decision to terminate a contract was an executive matter and therefore rested with Council Cabinet.

The Executive Scrutiny Board resolved to:

- 1) **Express deep dismay at the recommendation before Council Cabinet to defer any decision; and**
- 2) **Recommend that Council Cabinet should respect the will of Council and**

immediately terminate the waste contract in line with the democratic resolution made on 27 September.

Item 9 Highway Safety Inspection Manual – October 2018

A report of the Strategic Director for Communities and Place recommended the review and approval of a new Highway Safety Inspection Manual. It was reported that this was a new document as part of the Highway Infrastructure Asset Management Framework that had been approved by Council Cabinet in September 2018.

The board was advised that highway safety inspections, which were designed to ensure the network was safe and routinely checked for defects, were currently operated based on the existing “Well Maintained Highways Code of Practice: July 2005” and industry best practice.

The Executive Scrutiny Board resolved to note the report.

Item 10 Improving Special Educational Needs and Disability (SEND) Provision in Derby

The board considered a report of the Strategic Director of People Services, which made a variety of recommendations following a consultation on proposals to improve Derby’s specialist provision and in view of national SEND reforms. The board also received a presentation on SEND provision in Derby from the Director of Commissioning, and heard, via Skype, evidence from Chris Merrick, Chair of Governors at Central Derby Nursery.

Members of the board sought and received clarity on a number of issues relating to the proposals and how they would impact on the provision of early intervention support, and on the role of nursery providers in delivering that support.

The areas discussed included:

- Early years funding, and how this would be impacted by the proposals including what funding streaming service providers would continue to be able to access;
- The capacity at private, voluntary and independent (PVI) settings and the necessity to identify need, and how this had been ascertained as part of preparing the proposals;
- The potential risks in terms of service quality if local authority provision was threatened, particularly in relation to the ability of PVI settings to pay lower rates of payer outside of rates agreed by councils; and
- How admissions policies could be affected by any proposed changes.

A number of recommendations from members of the board were proposed and approved. A proposed recommendation which sought to detail the council’s responsibilities in terms of SEN reporting was withdrawn following clarification being provided by the Director of Commissioning.

The Executive Scrutiny Board resolved to:

- 1) Recognise the vital importance of early years intervention;
- 2) Recommend that Council Cabinet should not decommission enhanced resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;
- 3) Recommend that Council Cabinet should ensure there is an assessment unit to lead and inform early years intervention;
- 4) Recommend that Council Cabinet should ensure clarity of pupil pathways from early years to primary places;
- 5) Recommend that Council Cabinet should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion;
- 6) Recommend that Council Cabinet should increase resource and provide funding for Brackensdale Primary School to enable it to become a centre of excellence that can provide support for other settings, to promote inclusion; and
- 7) Recommend to Council Cabinet that any monies saved from the proposals should be reinvested in SEND provision and made available citywide to enhance resource.

Item 11 Graduated Response Strategy – Improving Special Educational Needs and Disability (SEND) Support and Outcomes in Derby

A report of the Strategic Director of People Services was considered. The report recommended the approval of a Graduated Response Strategy to improve the support and outcomes for children and young people with SEND. Further details were provided as part of the Director of Commissioning's presentation on Improving SEND Provision in Derby. Both directors and the Cabinet Member for Children and Young People responded to councillors' questions.

Members of the board sought and received clarity on a number of issues relating to the proposals. Among the areas discussed was the entitlement of parents to request an assessment outside of the normal processes that might be undertaken by schools or other settings. It was confirmed that such provisions did exist, and that these requests could be triggered at various stages of the process. Other areas discussed included:

- The timeframes for implementation and how they would impact on schools and other providers; and
- Training that would be provided to school governors to ensure understanding of the strategy and its impact;

The Executive Scrutiny Board resolved to note the report.

Item 12 Children Missing from Education (CME) Policy Update

The board considered a report of the Strategic Director for People Services, recommending the approval and adoption of a Children Missing Education policy. The report detailed how some children missed out on 'usual' education for a variety of reasons, including:

- Permanent exclusions;
- Social or behavioural difficulties which prevent full-time attendance;
- Mental health needs either as an inpatient or through the provision of community services;
- Other medical needs;
- Have not attended school regularly and have personalised learning plans in place to attempt reintegration;
- Pregnancy and young mothers;
- Complex needs resulting in no places being suitable.

The board sought clarification on a number of areas covered by the report, including the processes surrounding exclusions and how this worked with the in-year Fair Access Policy, and the range of timescales typical in specific circumstances for returning people to full-time education.

The Executive Scrutiny Board resolved to note the report.

Item 13 Emotional Health and Wellbeing Service for Children in Care, Leaving Care and Adopted Children

A report of the Strategic Director for People Services was considered. Approval was sought for a joint procurement exercise with Southern Derbyshire Clinical Commissioning Group and for the council to lead in the procurement of an emotional health and wellbeing service provider, commencing on 1 April 2019, for up to five years. The report detailed how the existing premises for the provision of this service were not fit for purpose. It was therefore proposed that the provider sought would provide a premises, with Council Cabinet asked to agree that the council would consider options from within its property portfolio if this was not possible.

Questions were asked by councillors, including what progress had been made already on seeking to identify suitable premises that could be used, to avoid delay in the event that the provider selected was unable to satisfy this need.

The Executive Scrutiny Board resolved to recommend that Council Cabinet identify as a matter of urgency a potential alternative building to allow the service to be delivered as soon as a provider has been identified.

Item 14 Children's Residential Homes – Proposed Reconfiguration of Service Provision

The Director of Integrated Services presented a report of the Strategic Director of People Services. The report detailed proposals for a two-phase approach to reconfigure children's in-house residential services, including the creation of a semi-independent living pathway. The recommendations also included the proposed closure of a children's home that had been empty since April 2018.

Questions asked by the board included details around the consultation. It was confirmed

by the Director of Integrated Services that responses had been received from 16 professional stakeholders, as well as six young people. The director also confirmed that the cultural needs of individuals using the service were taken into account and supported. Members of the board felt strongly that efforts should be made to sustain and, if possible, enhance spaces, particularly in view of their existing placements for some of the city's young people which were outside of Derby's boundaries.

The Executive Scrutiny Board resolved to:

- 1) Recommend to Council Cabinet that there should be no overall reduction in the number of mainstream bed spaces;**
- 2) Recommend that Council Cabinet should seek to potentially increase the number of bed spaces, enabling those on external placements to be brought back into the city and enabling the council to sell surplus bed spaces; and**
- 3) In the event that the recommendations detailed in the report do go ahead, to recommend to Council Cabinet that it ensures local ward councillors are consulted and involved in any decision relating to what happens to those buildings.**

MINUTES END