

Time Commenced – 18:02
Time Finished – 20:14

Executive Scrutiny Board

10 April 2018

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

In Attendance: Christine Durrant, Purjinder Gill, Stuart Grabham, Greg
Jennings, Don McLure, Gurmail Nizzer, Andy Smith, Sarah
Walker and Alex Hough (Democratic Services).

82/17 Apologies for Absence

No apologies for absence were received.

83/17 Late Items

There were no late items.

84/17 Declarations of Interest

There were no declarations of interest.

85/17 Minutes of the previous meeting

Minutes of the previous meeting held on 13 March 2018 were agreed as an accurate record.

Councillor Holmes requested that information in relation to the numbers of 'in area' and 'out of area' pupils enrolled at secondary schools in Derby were circulated, further to the Board's consideration of School Place Planning at the meeting of 13 March 2018.

86/17 Forward Plan

The Board considered the contents of the Forward Plan published on 13 March 2018. No items were added to the future work programme.

The Board resolved to note the Forward Plan.

87/17 Transfers from Statements of SEN to EHC Plans

As requested at the previous meeting, the Board considered a report of the Strategic Director of People Services updating members on progress made in transferring existing Statements of Special Educational Needs (SEN) to

Education, Health and Care Plans (EHCPs) by the statutory deadline of 31 March 2018.

The Acting Director of Integrated Commissioning confirmed that the authority had met the conversion deadline and commended the hard work of officers. It was noted that the focus would now be on stabilising resources within the team and encouraging parents in need of support to contact the Vulnerable Learners' Service.

The Board agreed to thank all those involved in meeting the target; however concerns were also raised about quality assurance, given the high volume of conversions completed in the weeks preceding the deadline.

Councillors recalled anecdotal evidence of parents who were unhappy with their child's EHCP and noted that some neighbouring authorities had completed the conversion process at an earlier date.

Officers stressed that children subject to either Statements or EHCPs had continued to receive an appropriate level of support; that the experience of the child had remained consistent throughout and that parents had been able to request a review at any stage of the conversion process.

The Board also heard evidence that a long-term culture existed in Derby whereby parents believed that Statements of SEN were the only means of accessing the appropriate support for their child. As a result, it was reported that the number of conversions required was significantly in excess of those experienced by neighbouring local authorities.

The Strategic Director of People Services noted that quality and performance remained a priority. Members heard how participation in the SEND Improvement Board and a range of quality assurance measures were allowing the authority to develop a clear, informed and accurate insight of the situation in relation to EHCPs. This included examining existing reviews and tribunal activity within the sector to inform future practice.

Members enquired where additional resources had been identified to facilitate conversions and queried whether they would now be reduced. Officers suggested that the current level of resource would be maintained; it was noted that the SEND Grant the Council received from the Government totalled £140,000, whereas the overall cost of the service was in excess of £1.2 million.

The Board requested that more data was provided in order to determine whether quality had been sustained. Members stated that they wished to be provided with the numbers of parents who were happy with the conversion process and outcome; the number of EHCPs that had been accepted and the number that were pending appeal. Members also stressed the importance of EHCPs being correct for pupils due to move school at the start of the next academic year.

The Chair stressed the need to take a retrospective view of the conversion process and requested that a further update was provided at the next meeting of the Board, likely to be in June 2018.

The Executive Scrutiny Board resolved:

- 1) To place on record its thanks to officers for their hard work in meeting the statutory deadline of 31 March 2018.**
- 2) To prioritise outstanding issues relating to pupils with EHCPs due to transfer schools in September 2018.**
- 3) To request a further report to the Board at its next meeting to include:**
 - Information on quality issues raised by parents with EHCPs**
 - Data on the number of tribunals and early reviews scheduled**
 - Information on any trends or retrospective views from parents**
 - Data on annual reviews and the numbers scheduled**
- 4) To refer SEND provision for consideration at a Performance Surgery in the 2018/19 Municipal Year.**
- 5) To circulate contact details of the SEND Vulnerable Learners Service to members of the Executive Scrutiny Board.**

88/17 Performance Items and Performance Forward Plan

The Board considered a report of the Chief Executive and received a presentation from the Strategic Director of People Services and the Policy and Improvement Manager regarding progress with the improvement plan a year on from the Single Inspection Framework (SIF).

The Council was reviewed under the SIF in March 2017. It was reported that a 'Mocksted' exercise had been carried out a year later to determine whether progress had been made against the 11 recommendations from the inspection and whether a 'Good' standard had been maintained.

The Board heard that the review took place over five days from 5 March 2018, involving 15 professionals both internal and external to the authority. It was reported that over the course of the week, 134 children's cases were reviewed; 18 focus groups convened and 58 interviews held with members of staff. In addition, 56 pieces of additional evidence were reviewed, including 18 supervision records.

It was stated that of the 11 recommendations from the SIF, progress remained on-track for 9 and sufficient evidence had been provided to consider that recommendations relating to homelessness amongst 16 and 17 year olds and the Corporate Parenting Committee had been completed.

The Strategic Director of People Services noted that a focus on caseloads remained in place. It was reported that in reception and locality social work teams the average caseload was 24 to 25, with a target to reduce this to between 18 and 22. The Board heard that a range of measures had been implemented to achieve this, including retaining protected caseloads for newly qualified social workers.

The likelihood of further inspections in 2018/19 was detailed. It was reported that the SIF had now been replaced by Inspection of Local Authority Children's Services (ILACS); the Board heard that there was a medium risk of a focused visit and a low risk of a short inspection under this new framework in 2018/19.

It was also reported that there was a low risk of a Joint Targeted Area Inspection, which would include partner agencies. However, there was a strong likelihood that a Special Educational Needs and Disabilities inspection would be carried out, although no judgement outcome would be issued.

The potential frequency of inspections under the ILACS framework was discussed. It was noted that varying pathways to inspection existed which was dependent on previous inspection outcomes.

The Board heard evidence that inspection readiness was being maintained through a range of measures including improvement boards; Mocksted exercises; sector-led improvement and peer challenges; performance surgeries and scrutiny challenge; and, targeted deep dive reviews.

The Board noted that a comprehensive review had been carried out in relation to outcomes from the SIF inspection. Moreover, members noted that preparing for further inspection would drive improvement in its own right.

The Chair encouraged members of the Executive Scrutiny Board to attend a Performance Surgery on progress made since the inspection of children's services in March 2017 scheduled for Wednesday 25 April.

The Board resolved to note the report.

89/17 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 14 February 2018.

The Board resolved to note the report.

81/17 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 11 April 2018 and made a number of comments and recommendations to Council Cabinet.

Item 8 – Schools Capital Programme

Members considered a report of the Cabinet Member for Education and Skills to approve the Schools Capital Programme priority schemes for 2018/19.

The Acting Director of Integrated Commissioning confirmed that the authority had received notification from the Department for Education of School Condition maintenance allocations for 2018-19. The report set out the proposed school capital programme schemes for 2018-19, including school maintenance projects.

The report also detailed priority projects in relation to school place planning, following the announcement of an indicative allocation of Basic Need capital funding of £12,768,087 for 2019/20, to allow the authority to fulfil its statutory obligations in this regard.

The Board queried the means by which Healthy Pupils Capital Funding would be allocated and whether support would be provided to schools to deliver programmes that improved pupils' physical and mental health and wellbeing. The Acting Director of Integrated Commissioning confirmed that support would be provided by the authority, although noted the sum of £211,999 was relatively insignificant when divided between schools.

Members discussed proposals for a new primary school at Hackwood Farm, following the agreement of S106 funding with developers of the site. It was confirmed that the authority was funding the project from the Basic Need allocation to ensure school places were available from September 2019 and that the funding would be reinstated once the developer's S106 contribution was received.

The Board questioned the extent to which Special Provision funding for improvements to mainstream or special schools for pupils with Education, Health and Care plans would create added value for pupils. The Acting Director of Integrated Commissioning confirmed that proposals would be presented to Council Cabinet in June, which the Board would have opportunity to scrutinise.

The Executive Scrutiny Board resolved to note the report.

Item 9 – Property Improvement Capital Programme 2018/19

Members considered a report of the Cabinet Member for Finance and Governance to approve the Property Improvement Capital Works Programme for 2018/19.

It was noted that the proposed repair and improvement schemes had been prioritised against essential condition issues and health and safety

requirements. These included fire precaution works; upgrading emergency lighting; renewing boilers and heating systems; roof replacements and improvements to boundary walls and building fabric.

The Acting Director of Regeneration, Property and Housing reported that headline projects contained in the proposed scheme included construction of the new swimming pool at Moorways and refurbishment of the Market Hall. It was further reported that the proposed programme also contained funding for preliminary design work for future years, which would facilitate the development of a rolling three year programme.

Members noted that in some instances, funding was not itemised against specific projects, particularly in relation to the Libraries Refurbishment Scheme. It was agreed that more detail was necessary in future reports of a similar nature.

The demolition of the Markeaton Park train shed was also discussed by the Board. Individual members expressed frustration that the building had fallen into disrepair, however it was noted that both the tracks and rolling stock had been sold when private ownership of the railway had changed.

The Board agreed the importance of refurbishing the Market Hall, Guildhall Market and Guildhall Theatre, recognising the buildings as fundamental to the city centre. Officers outlined an ambition to create a dynamic thoroughfare from Intu to the Market Place, which the Board supported.

Members queried whether the £1 million allocated in the Property Improvement Capital Programme was sufficient to ensure the necessary work could be completed. The Acting Director of Regeneration, Property and Housing stated that the full extent of the work could not be established until scaffolding had been erected around the Market Hall. It was suggested that the outcome of the initial assessment would be known by January 2019.

The Board questioned funding allocated for temporary roof protection at Queens Leisure Centre. Officers stated that provision had been made for further minor works, which was considered prudent given previous issues.

Members also welcomed an internal scheme known as 'Dragons Den' which allowed officers to propose invest to save measures, which could be funded through Delivering Differently. It was noted that improvements in the Parks Programme were being partially funded on this basis.

The Executive Scrutiny Board resolved to note the report and request in future that the Property Improvement Capital Works Programme was itemised in greater detail against specific projects.

Item 10 – Modern Slavery Victim Support Grant Award – Rebuild Project, Jacob's Well

The Board received a report from the Cabinet Member for Neighbourhoods and Public Protection to approve the award of a grant of £100,000 from the

Controlling Migration Fund to Jacob's Well Charity, in order to deliver support to victims of modern slavery.

The Cohesion and Integration Manager noted that delegated authority had been granted in December 2016 to bid for external funding, which had subsequently been successful. It was reported that funding had been made available for up to six local authorities to pilot measures that improve the transition of victims from centrally provided support into local areas.

It was reported that a local charity called Jacob's Well was the named partner on the bid and the report sought approval for funding to be transferred in tranches to support salaries, training, rent, running costs, volunteer costs and management costs.

The Board welcomed the proposals to support victims of modern slavery and questioned officers about the provenance of the charity. It was confirmed that Jacob's Well had operated locally for a number of years and were a faith-based organisation.

Members suggested that officers investigate the governance status of the charity and reiterated that the authority considered carefully whether organisations to which funding was allocated were fit and proper.

The Board enquired about the extent to which Modern Slavery was prevalent in Derby and questioned how the numbers of those accessing support reflected the number of victims in the city. The Cohesion and Integration Manager suggested that figures had varied over recent years and that many of those who were subject to mistreatment did not realise they were victims.

It was estimated that there were potentially up to five victims for every one individual accessing support, to which the Board expressed their serious concern. It was confirmed that the proposal was solely focused on victim support and that the authority was involved in activity with partners in order to combat modern slavery.

Members queried how outputs from the project would be monitored; it was confirmed that this would be detailed in the grant agreement. The Board agreed that Council Cabinet should be provided with this information in order to consider their decision.

The Board suggested that the direction of the pilot was carefully monitored, both in terms of compliance with the grant agreement and as to whether the support offered was appropriate.

The Executive Scrutiny Board resolved:

- 1) That the expected outcomes detailed in the grant agreement were provided to Council Cabinet prior to making a decision on the award of the funding.**

- 2) **To recommend to Council Cabinet that subject to approval of the award of the grant, a health-check was carried out on the financial and governance status of the named partner.**
- 3) **That Modern Slavery was added to the work programme of the Communities Scrutiny Review Board for the 2018/19 municipal year.**

Item 12 – Contract and Financial Procedure Matters Report

The Board considered a report of the Cabinet Member for Finance and Governance and the Interim Strategic Director of Corporate Resources outlining a number of items that required reporting and approval by Council Cabinet under Contract and Financial Procedure rules.

It was reported that approvals were being sought for the following items:

- To approve the use of the Budget Risk Reserve totalling £1,000,000 to fund the proposed two per cent local government pay award. It was noted that budget proposals agreed by Council in January 2018 had anticipated a one per cent award.
- To delegate authority to the Strategic Director of People Services for use of an additional £717,856 allocated to address social care pressures as part of the Local Government Finance Settlement.
- To allow the flexibility to use capital receipts to fund revenue costs to deliver savings relating to shared services, subject to the presentation of a business case and approval by Council.
- To note the inclusion of Derby City Council in the Business Rates pilot in Derbyshire for 2018/19, allowing a higher proportion of Business Rates to be retained.
- To approve the use of £862,000 of Dedicated Schools Grant Reserve to support additional costs arising from the Special Educational Needs and Disability Strategic Review.
- To approve the allocation of £999,985 of devolved funding to be awarded in line with the recommendations of the Opportunity Area Board and the Department for Education.
- To approve the use of £300,000 of the Regeneration Reserve to support the development of iHub Phase 2 at Infinity Park.
- To enter a procurement process for the provision of a Direct Payment Support Service for Adults.
- To approve the use of the budget risk reserve to provide funding of £89,000 to support additional capacity required to maximise the benefits of the Apprenticeship Levy.
- To approve submission of a pre-compliance funding request to D2N2 for £3.4 million of the Local Growth Fund allocation for the Performance Venue project.
- To approve the inclusion of the Local Growth Fund grant for the Silk Mill project to the Regeneration Capital Programme.

The Chair thanked officers for the level of detail provided in the report, which had been requested at a previous meeting of the Board.

The Board queried whether funding allocated for iHub Phase 2 would be refunded to the Council at a later date. The Acting Director of Regeneration, Property and Housing noted that the investment was financially prudent and that the iHub was currently at 80 per cent capacity, but that clients were not under contract to refund the money.

Members asked officers to confirm how much of LGF funding allocated to the Assembly Rooms Project had already been spent. It was confirmed that a decision on the pre-compliance funding would not be made until May.

The Board enquired how funding released by the proposed flexible use of capital receipts would be utilised. The Acting Strategic Director of Corporate Resources re-iterated that use of capital receipts in this way would be used for change and reform projects and that approval by both Council and the Department for Housing, Communities and Local Government would be required.

Members noted that 30 per cent of retained business rates would be ring-fenced to support economic growth in the county and queried how this funding would be allocated. The Acting Chief Executive confirmed that a framework was being developed by the Derby and Derbyshire D2 Partnership for approval by participating authorities.

The Acting Strategic Director of Corporate Resources noted that Derby City Council was the lead authority for administration of the business rate retention pilot. Members agreed that a rigorous framework for allocation of the funding was required.

Members suggested that additional funding received to alleviate pressures in adult social care could be utilised to extend Local Area Coordination. It was also suggested that a Direct Payment Support Service may restrict the services individuals were able to procure.

The Strategic Director of People Services stated that the authority still held the ambition to have a Local Area Coordinator in every ward, however alleviating immediate pressures in the social care system was considered a priority. It was further noted that the procurement of a Direct Payment Support Service would not limit choice, but instead provide greater oversight for administration of direct payments in response to significant changes in the market in recent years.

The Executive Scrutiny Board resolved to note the report.

MINUTES END