

**OVERVIEW AND SCRUTINY COMMISSION
19 SEPTEMBER 2019
7.34 - 8.35 PM**



Present:

Councillors Angell (Chairman), Virgo (Vice-Chairman), Mrs Birch, Brossard, Gbadebo, Mrs McKenzie-Boyle, McLean, Mrs Mattick, Temperton and Tullett

Apologies for absence were received from:

Councillors Mossom and Porter

Also Present:

Timothy Wheadon, Chief Executive
Councillor John Harrison, Executive Member for Culture, Delivery and Public Protection
Kevin Gibbs, Executive Director: Delivery
Ann Moore, Head of Democratic Services
Kirsty Hunt, Governance and Scrutiny Manager

11. Minutes and Matters Arising

RESOLVED that the minutes of the meeting of the Commission held on 27 June 2019 be approved as a correct record, and signed by the Chairman

There were no matters arising, questions or comments from Members of the Commission.

12. Declarations of Interest and Party Whip

There were no declarations of interest and no indications that members would be participating while under the party whip.

13. Urgent Items of Business

There were no items of urgent business.

14. Public Participation

No submissions had been made by members of the public under the Council's Public Participation Scheme for Overview and Scrutiny.

15. Corporate Performance Overview Report

The Commission considered the Chief Executive's Corporate Performance Overview Report (CPOR) covering the fourth quarter, January 2019 to March 2019 (Q4) of 2018/19 financial year and the first quarter, April to June 2019 (Q1) of the 2019/20 financial year.

Panel members were asked to give advance notice to Kirstine Berry in the Governance and Scrutiny Team of any questions relating to the CPOR(s) where possible.

No questions relating to either CPOR had been received in advance of the meeting.

Timothy Wheadon, Chief Executive, introduced the Q1 CPOR to the Commission and explained that:

- The Q1 CPOR had not yet been to the Executive.
- The financial information in the Q1 report related to the Q4 report as the reports had been produced slightly out of sequence.
- The overriding position was that the Council was currently in a holding pattern.
- The service plans in place related to the Council Plan that was agreed in 2015
- Council would be asked to agree a new plan in Nov for the period 2019-2023 and this was where the effort was being directed.

Some of the key highlights of quarter one performance were:

- Progress against key performance indicators (KPIs) in Q1 of the year, were overwhelmingly on target, as expected.
- Over 80% of KPIs had green indicators.
- 3 elections had been held in the first quarter. Democratic Services had new team dealing with the elections who had been very effective. There may very well be more elections in the short term and at short notice.
- The accounts were closed in the first quarter with a balanced budget for the twenty first consecutive year in a row.
- There had been over 1500 hours of volunteering in Parks and Countryside to maintain local parks, open spaces and rights of way which equated to 43 weeks of paid work at 37 hours per week. This was something the community and the Council should be very proud of.
- Housing and Welfare were equal second fastest in the South east for processing new claims, and equal first for change in circumstances so we act quickly for our residents.

Areas that had caused concern during the first quarter were:

- The close down of the accounts had been difficult because of a change in the law on pensions. Ongoing delays to The Berkshire Pension Fund accounts had taken longer to deal with and had posed a challenge.
- 58 complaints had been received in the first quarter which was more than would have been expected.
- When the 58 complaints were put into the context of the millions of interactions the Council had with residents in the same period, this was a low figure, but it was hoped it could be lower still.

In response to questions from members raised during the meeting, Timothy Wheadon, Chief executive advised members that:

- Complaints were processed in 3 stages.
- The complaints recorded were written complaints.
- The first complaint stage was dealt with by a line manager.
- A stage 3 complaint was dealt with by the Chief Executive or a Director.
- There were no more than 25 written stage 3 complaints in a year.

- The increase in complaints experienced was down to an increase in the number of complaints upheld by the Ombudsman as “fault with no injustice” which related to minor faults but in these cases there was no injustice found.
- All complaints were learnt from.
- There was no right of appeal against a Local Government Association Ombudsman decision other than judicial review.

- Unless it was a significant issue, a judicial review was not an appeal route that would be chosen to pursue.
- The Local Government Association Ombudsman always provided a draft decision which could be pushed back against if there were areas where there was disagreement. There were a couple of cases currently where the Council was pushing back hard on but always bore in mind that they should not waste resources.
- About 3 years ago the percentage of complaints upheld by the Ombudsman was about 10%. It was anticipated that the category where fault was found would now increase. Members should focus on where fault and injustice had been found by the Ombudsman. Fault alone made no difference, it was cases where injustice had been caused to a family that was key. In Quarter 1 there were no upheld cases of fault and injustice found by the Ombudsman.
- Details about the lift operation at Braccan Walk Car Park, one of which was identified as having been inoperative for a very long time, were not available at the meeting but would be investigated.

Action: Damian James, Assistant Director: Contract Services to investigate the current situation and operability of the Braccan Walk Car Park lifts.

- Details about the contract for KOOTH, the online support for young people paid for by the Clinical Commissioning Group (CCG) which was due to end in September, possibly being replaced by a cross Berkshire contract were not available at the meeting, but would be investigated.

Action: Nikki Edwards, Executive Director: People to investigate the current contract situation relating to the provision of the KOOTH online service within the Borough.

- Apprentices had to spend 20% of their time working outside of the job role. This was a management challenge for the Council and the Council was struggling to identify apprentices because of this.
- The apprenticeship scheme was being looked at to see if the Council could develop a generic apprenticeship role where a small number of people were deployed across the organisation like the graduate trainees.
- To promote apprenticeships the Council was also looking at devolving some of the levy from suppliers and the voluntary sector but retaining the money within the system.
- The apprenticeship system in the Council was not particularly effective but this was a national challenge not just a Bracknell Forest issue.
- It was difficult to compare apprenticeship schemes against larger authorities with larger budgets and populations, an effective comparison would have to be against a similar authority.
- People with a disability were eligible to apply for apprenticeships. It was unknown if there were currently any apprentices with disabilities

Action: Damian James, Assistant Director: Contract Services to provide footfall figures for the libraries within Bracknell Forest to identify if there had been additional take up of library services since the transformation.

Action: Rachel Morgan, Assistant Director: Education and Learning to advise if there were any apprentices with disabilities.

- The contract with Everyone Active (EA) for leisure services within the Borough included targets EA had to meet and penalties for missing those targets. Penalties would be invoked if required.

- Everyone Active did not have to deliver the improvements that were being made.
- Nationally it was not understood precisely why there was an increase in demand for social care and most authorities were experiencing an increase in the numbers of people requiring provision. It could possibly be driven by austerity, people being more aware of abuse.
- The application of eligibility criteria was based on national criteria.
- Inspectors went through a significant proportion of cases and tested the application of criteria within the Borough and found that the criteria had been applied correctly and consistently.
- The Family Safeguarding Model (FSM) was part of a national pilot which looked at the child in the context of the family unit. It looked at how the child could be kept safe within that unit.
- The overriding duty was to keep children safe.
- Looked after children (LAC) were children at most severe risk of harm. These were children in foster care or residential care.
- Children on child protection plans (CPP) were at a lower risk level where the risk was managed in the family setting
- Children in need (CIN) were managed in the community with social work using family centres.
- Using the FSM the levels of LAC had stayed about the same, the numbers of children with CPPs were down and CIN had gone up which was good because that meant the more severe cases were being managed more effectively in the family setting. Invariably children would prefer to stay at home rather than be put into care, and the output was better for children in that case. More management in the community was better for children.
- The FSM uses the appropriate level of monitoring for each risk level.
- The level of Council Tax receipts was very high in the Borough, in excess of 95%.
- As a result of an audit report, an increased level of debt had been seen amongst service users using paid for services in housing and adult social care.
- A new credit control agency was now being used at an earlier stage and helped families to control their debt to stop it increasing.
- The normal debt recovery process is used for those residents who do not pay using the courts and recovery agencies but if people engaged with the Council in a conversation about the debt and agreement could often be reached to establish a reasonable and appropriate re-payment plan.
- Discussions were ongoing with South Hill Park to agree a level of savings for the next financial year.

The Chairman remarked that there had been a number of questions from Members that relating to the CPOR asked during the meeting where an immediate answer was not able to be provided.

Members were reminded and asked to provide notice of any questions they may have in advance of the meeting so that the Chief executive had time to gather the necessary information to provide a suitable response.

The Chairman gave thanks to Timothy Wheadon, Chief Executive for attending the meeting and responding to questions relating to the Q1 CPOR.

16. **Reports from Panel Chairs**

The Commission noted the reports which advised the Commission of the current status of each Panel's work programme, from the Chairman of the:

- Adult Social Care, Health and Housing Overview and Scrutiny Panel
- Environment, Culture and Communities Overview and Scrutiny Panel
- Children, Young People and Learning Overview and Scrutiny Panel

The Chairman of the Children, Young People and Learning Overview and Scrutiny Panel advised that the Panel had not met since the date of the last O&S Commission meeting on 27 June 2019 and had no update to report.

The Chairman of the Children, Young People and Learning Overview and Scrutiny Panel welcomed Mr Mark Glanville, a Parent Governor from Easthampstead Park Community School, to the meeting of the Commission as an observer and hoped he would soon be joining the Commission as a Parent Governor Representative.

There were no questions from Members.

17. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) Thames Valley Police: Crime Data Integrity Re-Inspection 2019

The Commission noted and discussed the report by her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) re-inspection into crime data integrity of Thames Valley Police published on 25 July 2019.

The report was accessed via this link:

<https://www.justiceinspectors.gov.uk/hmicfrs/publications/thames-valley-crime-data-integrity-re-inspection-2019/>

Responses to the questions from Members about the report had been supplied by Councillor Harrison, Executive Member for Culture, Delivery and Public Protection in advance of the meeting.

The Chairman expressed his surprise at the overall judgement of inadequate for the Thames Valley Police: Crime Data Integrity re-inspection report 2019 and observed that this was not the message that had been provided at the recent full Council meeting on 11 September 2019 from the Police when the Chief Constable, John Campbell had been present.

Councillor John Harrison, Executive Member for Culture, Delivery and Public Protection thanked Members for the questions relating to the re-inspection report they had provided to him and advised members that:

- Their questions had been sent to the Chief Constable for a response.
- The answers to the questions were provided in the report that accompanied the agenda.
- He held a position on the Police and Crime Panel which was a scrutiny panel which looked at the performance of the Police Commissioner and the police force. It was not an executive or management committee, it only held them to account.
- He had had a further opportunity to question the Chief Constable and the Police and Crime Commissioner (PCC) about the crime data integrity and it was that which was the issue not the performance of the Police overall.
- The Police had questions themselves over how the inspectorate had compiled the data in the report and had pushed back.
- He was not in a position or able to answer any detailed questions about the report itself.
- The Police and Crime Panel had asked for a report at their next meeting which would possibly be in December 2019.

- Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services were annual inspections.
- The Police and Crime Commissioner's office had a named person who was in charge of crime statistics.

Members discussed:

- The recent full Council meeting when the Chief Constable attended and noted how the re-inspection report was not mentioned or referred to at that meeting.
- The appropriateness of full Council being an appropriate forum to ask detailed questions to the Chief Constable and commented that a number of questions that they had submitted for a response remained unanswered by the Chief Constable.
- If it would be appropriate to request that the Chief Constable and/or the Police and Crime Commissioner should attend an Overview and Scrutiny Commission meeting to allow the Commission to pose more detailed questions directly.

Action: The Chairman of the O&S Commission will discuss outside of the meeting of the Commission, the best way to take the situation forwards and decide who to invite to a focussed, single issue meeting of the O&S Commission in order to discuss the HMICFRS Thames Valley Police Crime Data Integrity re-inspection report 2019 in greater detail.

The Chairman gave thanks to Councillor John Harrison, Executive Member for Culture, Delivery and Public Protection for attending the meeting.

18. **Executive Key and Non-Key Decisions**

Members received and noted the scheduled Key and Non-Key Executive Decisions of a corporate nature.

There were no questions from Members.

The Chairman thanked everyone for attending the Commission and closed the meeting.

CHAIRMAN