

**At a meeting of the SCRUTINY COMMITTEE held in the CIVIC CENTRE  
SUNDERLAND on THURSDAY, 10<sup>th</sup> MARCH, 2016 at 5.30 p.m.**

**Present:-**

Councillor N. Wright in the Chair

Councillors Davison, D. Dixon, Fletcher, David Snowdon and Dianne Snowdon.

Also in attendance:-

Mr Nigel Cummings, Scrutiny Officer, Sunderland City Council

Ms Ann Dingwall, Strategic Commissioning Manager, Sunderland City Council

Ms Anne Fairhurst, Safeguarding and Social Care Governance Officer, Sunderland City Council

Mr Philip Foster, Chief Operating Officer, Sunderland Care and Support Ltd

Ms Jane Hibberd, Head of Strategy and Policy for People and Neighbourhoods, Sunderland City Council

Mr Graham King, Head of Integrated Commissioning, Sunderland City Council

Mr David Noon, Principal Governance Services Officer, Sunderland City Council

Ms Julie Smith, Associate Policy Lead for Community Safety

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Howe and Scanlan and also on behalf of Mrs Blakey.

**Minutes of the last Meeting of the Committee held on 11<sup>th</sup> February, 2016**

1. RESOLVED that the minutes of the last ordinary meeting of the Scrutiny Committee held on 11<sup>th</sup> February, 2016 (copy circulated) be confirmed and signed as a correct record

**Declarations of Interest (including Whipping Declarations)**

Councillor Fletcher declared an interest in item 5 (Sunderland Care and Support Ltd – Update) as a Council appointed member of Sunderland Care and Support Ltd and left the Committee room during the consideration of the item taking no part in any discussion or decision thereon.

**Change in the order of Business**

The Chairman advised that she would be taking item 5 on the agenda (The Prevent Duty) at this juncture to allow Ms Hibberd to leave the meeting immediately thereafter.

**The Prevent Duty**

The Head of Strategy and Policy for People and Neighbourhoods submitted a report (copy circulated) to provide Scrutiny Committee Members with an understanding of the new prevent duty, current progress to ensure compliance with the duty and the proposed next steps.

(For copy report – see original minutes).

Jane Hibberd, Head of Strategy and Policy for People and Neighbourhoods presented the report and together with Julie Smith, Associate Policy Lead for Community Safety addressed questions and comments from members.

In response to an enquiry from Councillor Davison as to whether the operation of the Prevent Coordination Group in schools would amount to the monitoring or education of children, Ms Hibberd advised that the role of the Coordination Group was to assess Sunderland's citywide compliance with the duty based on the findings of each partner's self-assessment. The Prevent duty rested with the governing body of each school who would need to assess their own compliance with the duty. Ms Smith added that education for children in respect of issues covered by Prevent were included in the Personal, Social, Health and Economic Education (PSHE) aspect of the national curriculum.

In response to an enquiry from Councillor Dixon, Ms Hibberd advised that although only 30 schools had taken up the offer, training had been offered to all schools in the City. There were however other training tools and resources available together with various external consultants prepared to provide training. Ms Smith added that the Home Office were just about to launch a catalogue of accredited training providers. With regard to the education of children Councillor Fletcher suggested that it could be included as part of the successful Safety Works programme undertaken by the Tyne and Wear Fire and Rescue Service.

Both Councillor Dixon and the Chairman urged caution with regard to the level of objectivity gained from any self-assessment process as by their nature they could reflect a high degree of subjectivity. Ms Hibberd advised that the former Chief Executive had been keen that a proportionate approach was taken based on the level of risk. Organisations were being asked to demonstrate a level of assurance based on a common template which it was hoped all would complete. Ms Smith advised that she would be more than happy to show members how the Council's self-assessment template operated. She added that the Prevent Duty operated in the pre criminal space within which the Council wanted to safeguard people.

With regard to paragraph 6 of the report and the next steps, Councillor Dianne Snowdon referred to the placing of the e learning on the elected members section of the Council's website and advised Ms Hibberd that not all members were able to access training this way.

In response to an enquiry from the Chairman as to how the public could raise concerns, Ms Hibberd advised that the Council had not engaged with the public directly in respect of the Prevent duty. There had been discussion at a local level as to whether there should be a communications campaign however it had been rejected on the basis that it may unduly put fear into the community and that if such a campaign was to be instigated, it should be done at a national level. Ms Smith added that the public as always should use the 101 number if they had any concerns. If

concerns were raised via the Customer Services Network the staff there were all trained to deal with such issues.

There being no further questions the Chairman thanked Ms Hibberd and Ms Smith for their attendance and their enlightening and comprehensive report.

2. RESOLVED that the report be received and noted and that a further update report on the Prevent Duty be submitted in 6 months time.

### **Sunderland Care and Support Ltd – Update**

The Chief Operating Officer submitted a report (copy circulated) to provide feedback to members of the Committee on the progress made by Sunderland Care and Support Ltd.

(For copy report – see original minutes).

Mr Phillip Foster presented the report drawing members' attention to the following key aspects:-

- i) The background to the establishment of the Company
- ii) the aims of the company and the services provided
- iii) its main achievements since December 2013
- iv) the governance arrangements underpinning the operation of the company
- v) the future direction of the Company and the principal risks to be faced

Councillor Davison referred to the redesigning of the workforce. She asked that if the Company were employing new staff while at the same time as making some redundant, wouldn't it be better to redeploy. Mr Foster replied that the company was required to make savings. 236 staff had expressed an interest in leaving through the severance scheme. Staff leaving on higher grades would be replaced by new employees on lower grades therefore maintaining service levels at a lower cost. Although the new grades would be lower than those of the staff who were leaving they were still significantly higher than those available in the independent sector. In response to a further question from Councillor Davison, Mr Foster advised that new employees would enrol on the Government Pension Scheme rather than the Local Government Pension Scheme.

Councillor Dixon thanked Mr Foster for his open and honest report. He stated that Mr Foster was following a tried and tested model when it came to cost reductions but stated that the long serving, higher graded staff reached those positions for a reason. He asked whether there was a danger of a loss of skills and experience. Mr Foster replied that there was always the potential to lose that type of organisational memory however it was a risk he was trying to balance. The new employees would be mixed in teams with more experienced staff. Often people who had experienced long careers became tired, jaded and to a certain extent institutionalised, whereas new people often brought with them a breath of fresh air. There was no doubt that the potential loss of experience was a worry however it was the right thing to do in order to protect front line services and he believed that there would be no loss in service standards.

The Chairman asked Mr Foster whether he was able to say that there would be no compulsory redundancies? Mr Foster replied that he was not in a position to give such a guarantee however it was something he was trying really hard to avoid. Meetings were being undertaken with the unions on a weekly basis and had been very positive. The Company needed to lose 250 employees and to date had received 236 interested in seeking severance.

In response to an enquiry from the Chairman as to the qualifications and skills of the new staff, Mr Foster replied that there would be no zero hours contracts. When the Company looked to employ someone they looked for the right attributes ('recruit for attributes, train for skills'). The Company would ideally look to employ people who had previously worked for other care providers, nevertheless all would spend their first two weeks full time in the class room. They would then receive six months induction training on the job to achieve their care certificate. Further training would be provided on the job as required.

In response to an enquiry from the Chairman, Mr Foster advised that reducing sickness levels to the new target of 6 days from the current average of 13 days would be challenging. The service currently spent £1m covering sickness absence. It would need to be a partnership approach between the Company and its staff. Positive encouragement included the issue of vouchers to people who quit smoking and the promotion of fitness through walking clubs etc. The Company had adopted the Council's Absence Management Policy and whilst ultimately disciplinary action could be taken if required, it had to be remembered that the policy was there to support people who were genuinely ill.

Councillor David Snowdon and the Chairman welcomed the news that the Company in conjunction with the Carers Centre was to establish two Customer and Carer Boards to monitor service delivery in the short breaks and day services. The Boards would become operational in April 2016 and their membership would not be fixed.

Councillor David Snowdon referred to the fact that the Company was 98% Council funded and asked if there were plans for additional income generation. Mr Foster advised that opportunities were being explored via Vanguard, Grace House and South Tyneside Care at Home. The Company was also working closely with South Tyneside Council on establishing a combined service.

The Chairman referred back to the staff members seeking severance and asked how this was to be funded. Mr Foster confirmed that it would be funded via the Council's severance scheme. He added that he had tried to present the report in a positive light however the Company in common with the Council was continuing to operate in a difficult and financially challenging environment.

The Chairman stated that the Committee appreciated the position that Mr Foster was in and thanked him for his report and his honesty. Mr Foster replied that the future remained challenging. He stated that he was due back before the Committee in October to present his annual report however he would be happy to return sooner if required. The Chairman having thanked Mr Foster for his attendance it was:-  
3. RESOLVED that the report be received and noted and that Mr Foster be invited back in October 2016 to present his annual report.

## **Adults Commissioning Update – Quality Issues and the Provider Markets**

The Head of Integrated Commissioning submitted a report which:-

- i) provided the Committee with information relating to the work undertaken by the Council's Commissioning Team and partners with regards to working with and developing a diverse market for care and support for the people in Sunderland.
- ii) Provided an insight into some of the current and on-going issues the market presented to Commissioners and some of the mechanisms implemented to try and resolve any concerns identified.
- iii) Details of the implementation of the new Quality Improvement Framework for Providers

(For copy report – see original minutes).

Graham King, Head of Integrated Commissioning presented the report together with Ms Ann Dingwall, Strategic Commissioning Manager and Ms Anne Fairhurst, Safeguarding and Social Care Governance Officer.

Councillor Fletcher referred to the recently awarded contract in respect of the Care and Support at Home and asked for details of the new providers. Mr King advised that he would email the details round to Committee members. In response to a further enquiry from Councillor Fletcher, Mr King explained the reasoning behind the planned closure of the 'time to think beds'. This amounted to concerns that their original purpose was not being served and instead they were being used as a hospital discharge vehicle. Councillor Fletcher thanked Mr King for his answer and confirmed that she was happy with the decision as the pilot project was not working.

In response to enquiries from Councillor Dianne Snowdon, the Committee was informed that all Providers would be monitored by the new Quality Improvement Framework tool. There were currently no capacity issues but the position would be monitored and reassessed as required. Ms Fairhurst was currently the only member of staff who monitored on a full time basis. The reference in paragraph 5.2.1 to the 10 extra care schemes in the city did not include the new facility to open in Washington North.

With regard to an enquiry from the Chair regarding at what stage concerns about a provider would be escalated to the Care Quality Commission (CQC), Mr King advised that this would occur when 'enough was enough' ie when despite all previous interventions and assistance there was no hope of improvement. In such cases the Council would work on a planned closure of the home moving residents in a planned way in full consultation with families and carers.

In response to enquiries from Councillor David Snowdon regarding the notice of inspections and a definition of 'risk based', Ms Fairhurst stated that in respect of Extra Care, inspections would be undertaken with 48 hours notice. In the case of others services these could be unannounced. The level of risk was assessed by reference to the issues log and regular meetings with colleagues especially within the Safeguarding Team.

In response to an enquiry from Councillor Davison regarding the impact of the Living Wage on the recruitment and retention of staff, Mr King advised that it would have an

impact for the lower graded staff but not on the nursing staff. There was currently a healthy agency market but Providers struggled to recruit staff on a permanent basis.

Councillor Dixon stated that the new assessment tool made perfect sense, providing a level of consistency and driving improvements via the use of shared data. He asked if the system would be ready to go live for April 2016 and this was confirmed.

The Chairman thanked Mr King, Ms Fairhurst and Ms Dingwall for their comprehensive report and commended them for the effort that had gone into the development of the framework given the severe financial constraints.

4. RESOLVED that :-

- i) the report be received and noted and that the next steps proposed for the implementation of the Quality Improvement Framework be endorsed
- ii) a further update report on the matter be submitted in due course.

### **Review of Scrutiny Arrangements – Scrutiny Procedure Rules**

The Head of Law and Governance and the Head of Scrutiny and Area Arrangements submitted a joint report (copy circulated) on proposals to change the Scrutiny Procedure Rules to maintain their alignment to the revised Scrutiny arrangements approved by Council on 27 January 2016 and to make related changes to the Constitution.

(For copy report – see original minutes)

Consideration was given to the report and the Chairman moved the following proposed amendments:-

- (i) Consideration be given to paragraph 17c of the procedure rules so that all references to ‘the Committee’ would be amended to read ‘the Scrutiny Coordinating Committee’
- (ii) Consideration be given to amendments to paragraph 17 (j) of the procedure rules to ensure that decisions on issues of urgency must be made in agreement with the Chairman of the Scrutiny Coordinating Committee. The paragraph would therefore be amended to read:-

‘The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, in agreement with the Chairman of the Scrutiny Coordinating Committee, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the relevant chair (or Scrutiny Coordinating Committee chair), the vice-chair’s consent shall be required. In the absence of both, the head of paid service or his/her nominee’s consent shall be required.’

Accordingly it was:-

5. RESOLVED that it be recommended to Council that subject to i) and ii) above, the Head of Law and Governance, in consultation with the Leader, be authorised to amend the Constitution to reflect the amended Rules, the consequential amendments to the Articles and to make such other minor or consequential amendments as are appropriate to the Constitution to ensure consistency with the revised Rules and the revised Scrutiny arrangements.

### **Westminster Briefing: The Future of Health and Wellbeing Boards**

The Head of Scrutiny and Area Arrangements submitted a report (copy circulated) which provided members with an overview of the recent Westminster Briefing on the future of health and wellbeing boards attended by the Chair and Lead Member for Health, Housing and Adult Services on Tuesday 23 February 2016.

(For copy report – see original minutes)

The Chairman advised that the briefing had brought home the dangers of working in silos and having moved that a report on the working of Sunderland's Health and Wellbeing Board be submitted to a future meeting of the Committee and that an invitation be extended to the Chairman of the Board to attend the meeting, it was :-

6. RESOLVED accordingly.

### **Notice of Key Decisions**

The Head of Scrutiny and Area Arrangements submitted a report (copy circulated) providing Members with an opportunity to consider those items on the Executive's Notice of Key Decisions for the 28 day period from 23<sup>rd</sup> February 2016.

(For copy report – see original minutes).

The Chairman asked that Members having any issues to raise or requiring further detail on any of the items included in the notice, contact Nigel Cummings, Scrutiny Officer, for initial assistance.

7. RESOLVED that the Notice of Key Decisions be received and noted.

### **Annual Work Programme 2015/16**

The Head of Scrutiny and Area Arrangement submitted a report (copy circulated) attaching for Members' information, the work programme for the Committee's work being undertaken during the 2015/16 council year.

(For copy report – see original minutes).

Nigel Cummings, Scrutiny Officer presented the report and with regard to the Committee's budget for 2015/16 advised that current expenditure amounted to £6,932 leaving a balance of £8,068

At this juncture the Chairman advised members of an addition to the work programme to allow for an extraordinary meeting of the Committee. Its purpose was to provide further information to Members from both Sunderland and South Tyneside scrutiny functions on City Hospitals Sunderland NHS Foundation Trust and South Tyneside NHS Foundation Trust's proposed implementation of a health alliance to reconfigure services across South of Tyne. Members would be notified of the time and date of the meeting in due course.

8. RESOLVED that the information contained in the work programme and the calling of the extraordinary meeting be received and noted.

The Chairman then closed the meeting having thanked Members and Officers for their attendance and contributions to the meeting.

(Signed) N. WRIGHT,  
Chairman.