

SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE

Minutes of a Meeting of the Scrutiny for Policies, Children and Families Committee held in the Library Meeting Room, Taunton Library, on Friday 15 November 2019 at 10.00 am

Present: Cllr L Redman (Chair), Cllr R Williams (Vice-Chair), Cllr M Dimery, Cllr N Hewitt-Cooper, Cllr J Lock, Cllr J Williams, Ruth Hobbs and Mrs Eileen Tipper

Other Members present: Cllr F Nicholson and Cllr F Purbrick

Apologies for absence: Cllr James Hunt and Cllr W Wallace

15 Declarations of Interest - Agenda Item 2

Additional declarations of interest were made by Ruth Hobbs as Governor of Greenfield School and an Associate for the Contact Charity.

16 Minutes from the previous meeting - Agenda Item 3

The Committee agreed that the minutes of the meeting held on 18 October were an accurate record and signed by the Chairman.

17 Public Question Time - Agenda Item 4

There were no members of the public present and no questions had been submitted.

18 Scrutiny Work Programme - Agenda Item 5

The Chair of the Committee invited members to consider the Cabinets Forward Plan of proposed key decisions in forthcoming months and suggest any items for the committee to consider. The plan was noted.

The Chair directed attention to the Committees work programme and invited suggestions for possible future agenda items.

The Task and Finish Group around exclusions would provide updated to the committee to ensure everyone would be able to contribute. A report would be due back by 4 March.

An update would be provided in the new year relating to the Regional Adoption Agency 6 month review.

An update would be provided relating to the Home Education Policy.

Further updates were requested in relation to the Local Offer Development and Transitioning Services from Children to Adults.

19 **Review of Scrutiny function - Agenda Item 6**

Effective scrutiny helped secure the efficient delivery of public services to drive improvements within the Council and, if done well, amongst other public service providers too. While scrutiny had matured in Somerset over the years, it still faced challenges.

As part of organisational transformation and taking forward Peer Challenge recommendations, the Council had undertaken a thorough review of its scrutiny function. The review considered best practice from other councils and the latest Government statutory guidance in May 2019. The review had also involved working with the Centre for Public Scrutiny (CfPS). Their covering report along with final review report (set out as Appendix A) provided the Committee with an opportunity to consider a series of recommendations and suggested any further developments they consider appropriate.

The majority of the recommendations in the report combined both the short term improvements that could be taken forward from the CfPS report along with recognising that necessary cultural improvements were required to develop and embed better scrutiny form part of a longer term programme of work commencing before the end of 2019 through until March 2021.

The Council undertakes an annual review of its democratic arrangements and its Constitution to ensure they remained fit for purpose for the organisation to meet its legal duties.

The Communities and Local Government Select Committee undertook an inquiry into the effectiveness of scrutiny in local government in 2017. The select committee's report identified a number of areas for improvement. This work has led to the development of the new statutory Scrutiny Guidance which was published in May 2019.

While Scrutiny had matured in Somerset over the last decade, it still faced challenges. This included officer driven agendas, Scrutiny Committees being used as a 'tick box' for agreeing new policy and not providing the Committees the opportunity to add value, limited member engagement, overcrowded agendas and work programmes.

The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective, ensuring all councillors were equipped to play an active role and contribute to the policy making and key decisions affecting the future of Somerset's residents and the council, and that its governance arrangements are reflective of this.'

In parallel, as part of the organisational transformation work it was recognised there was a need to improve the Council's scrutiny arrangements. As a result the Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. This involved attending all 3 Scrutiny Committees (Place, Adults and Health and Children

and Families) during April and conducting a Member survey, before producing an initial draft report in late May. This was subsequently reviewed with the Leader, Deputy Leader and Scrutiny Chairs and Vice Chairs in June.

Following receipt of the draft Scrutiny Review report the Leader and the 3 Scrutiny Chairs agreed that the next step should involve an all member workshop to discuss the report, the recommendations within and consider these alongside the recently issued national guidance and the council's transformation work. The workshop was held in September, where members received an introductory briefing on the recently published statutory Scrutiny guidance for councils, an appraisal of the scrutiny arrangements and scrutiny resources at Devon County Council, provided a valuable opportunity for members to discuss the ideas and opportunities to make scrutiny more effective. The workshop provided the opportunity for members to discuss the Centre for Public Scrutiny's report and other ideas that members had for improving scrutiny prior to the report formally considered at all 3 Scrutiny Committees in November, as well as Cabinet, ahead of the recommendations being presented to Full Council in November. The workshop was facilitated by Ian Parry, from the Centre for Public Scrutiny who wrote the CFPS's report.

One of the main areas of focus discussed by the Members present, was that the report was focusing on an ideal scenario for 'pure scrutiny' and did not necessarily completely reflect the reality of day to day Local Authority and Committee working styles and politics. There was also concern raised that the report was in parts generic and Members felt that what the Council adopts should be more Somerset specific. This is reflected in the amended recommendation relating to the number of agenda items and a consensus that Cabinet Members and the relevant Director should co-present agenda items, rather than a select Committee style approach, which Members agreed didn't consider appropriate for Somerset County Council.

The report of the Centre for Public Scrutiny, set out in Appendix A, provided a comprehensive analysis of the current arrangements and contained 11 specific recommendations for how scrutiny could be improved at the Council. Several of these recommendations could be defined as logistical or practical changes and therefore were relatively easy and straightforward to implement. Other recommendations were more cultural and these would take longer to embed and required a change of approach throughout the Council by Members and officers.

The easier to implement changes included reducing the number of formal committee meetings in order to provide each scrutiny committee with the opportunity to focus its available resources on areas such as the development of commissioning plans, undertaking more partnership scrutiny, review opportunities for services improvements and doing more scrutiny outside of formal committee meetings e.g carrying out visits to frontline services and greater use of task and finish groups. Improvements to work planning (including quarterly joint work planning meetings across the committees), more focused agenda setting, improved meeting layouts, as well as a strict adherence to no 'for information' report as part of any formal agenda, would be relatively straightforward to implement during 2020.

The cultural work that had been identified would require a more gradual introduction, as members assumed more ownership with the work programme, actively suggest and pursue items they wished to be considered, as well as Cabinet and officers making greater use of utilising Scrutiny as a sounding board early in policy development and consider their recommendations when shaping decisions and focusing on outcomes. There would also be an emphasis of greater ownership and engagement by all Scrutiny Committee Members, as well as a depoliticising of Scrutiny where possible, for example removing the need for political group pre-meetings and replacing with pre-meetings for all Committee members, to agree themes of questioning and specific areas of interest.

These types of changes would take time to embed and as result the intention would be to have implemented and fully embed all of the recommendations by March 2021, to align with the new quadrennium. It is anticipated that all Members would begin to notice changes to the way scrutiny is working and conducted with an immediate effect.

Although the CfPS's report is comprehensive and suggested improvements and amendments in a number of areas, the Committee are invited to suggest other areas or issues that could be addressed at this time and can be incorporated in the overall review. Officers are especially keen to seek the Committee's views on the relationships with Cabinet members, senior officers and also how they would like to be consulted and incorporated within policy development.

Page 11 of the Centre for Public Scrutiny's final report detailed the Members and officers who were met with on an individual basis.

All Members were invited to take part in an online Scrutiny survey. Over 40% of Members completed the survey, the results of which formed part of the Centre for Public Scrutiny's final report. 20 County Councillors attended the Scrutiny review Member workshop in September.

While there were no direct budget implications within the CfPS recommendations, the review of other councils and the new statutory guidance identified the need for more scrutiny training and development for members, the possibility of conducting scrutiny in different ways, including increased use of visits and travel around the County. These recommendations would result in increased Member expenses and training budget requirements. However this should be considered alongside a reduction in officer demand, especially at a senior level, to prepare reports, briefings and attend a reduced number of formal Committee meetings from 2020.

The cultural transformation required, improved work planning and policy advice support would require dedicated officer resources in addition to what the council provided through the Democratic Services Team. The Strategic Manager, Democratic Services has reviewed other councils and the CfPS recommendations and has identified, as a minimum, the need for an additional scrutiny support officer within the Democratic Services team. This additional officer resource and training resources for members were an integral part of the recommendations as they will be essential to support successful implementation by March 2021 and will have specific responsibility for policy research, liaison with members and officers throughout the Authority and scrutiny training and development.

Background papers included:-

Supporting governance, scrutiny and member support in Somerset County Council – Centre for Public Scrutiny - May 2019

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019.

Debate

- The role of the committee receiving the relevant information, to adequately challenge for effective Scrutiny was considered.
- Information being received too late was a concern for Councillors.
- Public engagement was considered important to divest the approach to public engagement and reach a wider demographic.
- Membership of Scrutiny committees was discussed, the committee were reassured that substitutions would continue, minimum attendance rules to address problematic attendance was considered.
- Resources would be put in place to ensure implementation
- Future training requirements were considered. Scrutiny and questioning skills were believed beneficial and good value.
- The rule of four agenda items per meeting was considered adequate to conduct good Scrutiny,
- Members of the committee endorsed the report along with the implementation of its recommendations to encourage stronger and more effective Scrutiny and robustly hold the Executive to account.

The Committee:

1. Endorsed and recommended to Full Council that the Council implements a programme of cultural transformation and improvements to its scrutiny arrangements by March 2021, including the provision of additional resources in the Democratic Services Team and members training budgets to deliver the enhanced scrutiny arrangements;
2. Endorsed 10 of the 11 recommendations within the Centre for Public Scrutiny's 'Supporting governance, scrutiny and member support in Somerset County Council' report as detailed on pages 9 and 10 of Appendix A; The Committee is asked to agree to an alteration to Recommendation 6 within the CfPS report and limit the number of agenda items to an absolute maximum of 4, rather than two as currently recommended, as this more accurately reflect the current position of the Authority and the size of the workload.
3. to consider and make any further recommendations it considers appropriate to include as part of the Scrutiny Review with reference to the Government's new

statutory guidance, best practice from other councils and the members workshop held in September 2019;

4. to support all recommendations relating to the Scrutiny Review being recommended by Full Council on 27th November 2019 and for the improvements to be taken forward from January 2020 to March 2021;

5. The Scrutiny for Policies and Place Committee to receive a quarterly progress report on the improvements and review of scrutiny arrangements.

20 **Progress on the implementation of the new Somerset Safeguarding Children Partnership arrangements - Agenda Item 7**

The report was presented by Caroline Dawson.

The three Somerset Safeguarding Partners (Somerset County Council, Somerset Clinical Commissioning Group, and Avon and Somerset Constabulary) now constituted a tripartite Children's Safeguarding Partnership. New safeguarding arrangements were published on 26 June 2019 and took effect on 29 September 2019, having been assessed as compliant with the new legislation by the Department for Education. The arrangements replaced the Somerset Safeguarding Children Board. In the interests of efficiency, it had been possible to integrate the Somerset Children's Trust with the new Safeguarding Partnership arrangements. Delivery subgroups were currently under review with revised chairing and membership.

The three safeguarding partners had a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in the local area. Many local organisations and agencies had a duty under section 11 of the Children Act 2004 to ensure that they considered the need to safeguard and promote the welfare of children when carrying out their functions, and continue to be involved in the wider Somerset Safeguarding Children Partnership.

Local and regional scrutiny arrangements were being developed, building on existing good practice across the Safeguarding Partnership. A key development was the intention of the three key safeguarding partners to appoint an Independent Scrutineer to undertake high-level assurance of safeguarding activity for children across Somerset.

The final annual report for the Somerset Safeguarding Children Board had been published, detailing progress and outcomes against the four key priority areas: early help, multiagency safeguarding, child exploitation, and neglect.

The SSCP were exploring regional scrutiny arrangements where they add value (e.g. a regional pool of independent reviewers for child safeguarding practice

reviews or other independent scrutiny/reciprocal regional arrangements for peer reviews with clearly defined terms of reference). An initial scoping meeting was held across the force area on 1 October 2019, during which the following themes emerged as areas for consideration for peer scrutiny in Somerset, building on learning from serious case reviews and other learning activity:

- intrafamilial sexual abuse
- child exploitation
- children's emotional and mental health
- early help in the context of neglect.

Scrutiny arrangements would remain place-based within Somerset, with the possibility of future contractual arrangements for delegation at a regional level. The tenure of the Independent Chair for the Somerset Safeguarding Children Board, required under the previous legislation, ended on 30 September 2019. In October 2019, the three key safeguarding partners agreed the appointment of an Independent Scrutineer to provide robust Scrutiny of the effectiveness of Somerset Safeguarding Children Partnership's multiagency arrangements in safeguarding and promoting the welfare of all children in Somerset. This would include Scrutiny of arrangements in place to identify and review Child Safeguarding Practice Reviews which replaced Serious Case Reviews under the new legislation. The post had been advertised and an appointment was anticipated in late 2019.

In addition, a local framework was being refreshed which built on existing scrutiny and quality assurance activity which included, but was not limited to:

- multi-agency audits
- thematic and learning reviews
- Child Safeguarding Practice Reviews
- Section 11 audits as set out in the Children Act (2004) and associated multi-agency peer challenges to audit findings
- peer reviews within Somerset
- an annual face-to-face conversation with children and young people
- Section 157/175 audits of education providers as set out in the Education Act (2002)
- a twelve-monthly report in line with Working Together to Safeguard

Overarching structures for the new Safeguarding Partnership arrangements were presented and set out the subgroups that would deliver on key areas of work for the Somerset Safeguarding Children Partnership. In addition, a framework for seeking the views of children and young people within the new safeguarding arrangements was under development, building on existing good practice from the Children's Trust.

Responsibility for Child Death Reviews now fell under the Department of Health as opposed to the Department for Education, and were therefore outside local safeguarding arrangements. The Somerset Child Death Overview Panel had merged with the Pan-Dorset Child Death Panel to increase the number of cases reviewed from which to draw learning. As from 1 April 2019, administrative support for child death arrangements would be provided by Somerset Clinical Commissioning Group, as opposed to Somerset County Council, but strong links would be retained with the Safeguarding Partnership to ensure continued learning from child deaths.

The Scrutiny for Policies for Children and Families Committee were asked to note the final report of the Somerset Safeguarding Children Board for 2018/2019. During the year, SSCB focused on four priority areas:

- 1) Early Help
- 2) Multi-agency Safeguarding
- 3) Neglect
- 4) Child Exploitation/Children Missing

Two serious case reviews were undertaken in the period 2018 to 2019: one was published in autumn 2018 (Family A), and one would be published in early 2020 (Family B). Two thematic reviews were also undertaken: one regarding suicides of young people in Somerset, which showed no rising trend and no factors which would make Somerset an outlier; and another reviewing the management of sex offenders against children. The learning continued to be embedded across the partnership in terms of the identification and intervention where there was long-term neglect, and the protection of unborn and very young children, and the importance of information-sharing.

Debate

- The Governance arrangements for the Children's and Young People's Plan confirmed that this would be reported to the partnership group. With SCC this was also set out through Corporate Reporting to the Cabinet.
- Predictions using big data were considered. SCC and the Police held data and this was an area of focus around safeguarding and using this data effectively to focus on troubled families and child exploitation.
- Focusing on the Adults, Childrens and Health Information to predict adequate support needs as part of a peer challenge across the area was encouraged.
- It was acknowledged that greater discussion and resourcing could be done around this, along with the problems encountered with sharing

data, The committee requested a update to work to achieve ensure a high level information sharing agreement was out in place.

- As part of the Joint Strategic Needs Assessment, it had been agreed at a previous wellbeing board that data sharing should be a focus. Feedback would be monitored to ensure transparency.
- All three partners were keen to raise awareness of safeguarding and to provide community support for children at risk. A wide ranging public health survey combined with a population based approach would be undertaken.
- It was agreed that the Wellbeing Forum minutes would be made available to ensure information was shared.
- Following discussion around the annual reporting mechanism, it was requested for this document to be considered against the priorities for Children and Young People.
- To ensure transparency it was agreed for the Scrutiny Committee to be involved in the Scrutiny arrangements of the partnership.

1. The Scrutiny for Policies, Children and Families Committee endorsed the proposal for Somerset County Council to implement new Safeguarding Partnership arrangements alongside changes to the Children's Trust arrangements in March 2019.

2. The Scrutiny for Policies, Children and Families Committee noted:

The progress towards new arrangements as set out in the attached paper (September 2019) and focus of future activity.

The developing scrutiny arrangements for safeguarding activity in so far as they have been agreed by the three key safeguarding partners as of October 2019.

Key areas in the final Somerset Safeguarding Children Board annual report (2018-2019).

21 **Annual Customer Feedback report - Agenda Item 8**

The report was presented by Rebecca Martin.

In 2018/19 there were a total of 1923 pieces of feedback recorded (all types) compared with 1933 in the previous year (0.5% reduction). Complaints reduced by just over 2% on the previous year with 1076 received (compared to 1101 in 17/18).

Figures for 2018/19 showed a 0.5% decrease in total feedback received when compared with figures recorded in the 12 months prior. Complaints had decreased by 2.2% compared with 2017/18 and compliments by 6.4%. A percentage increase/decrease was provided per service area for all feedback types.

The resolution status for the 1077 complaints received in 2018/19 were presented. The vast majority of complaints received in the year (95%) had been managed at stage 1 of the complaints process. This was consistent with previous years. There had been an increase in cases escalating past stage 1 of the process with 13 cases escalating to stage 2 and 41 referred to the Ombudsman (6 and 17 respectively in 2017/18).

Somerset County Council's complaint procedure set a target resolution timescale of 10 days. The average resolution times at stage one by service area for the 937 stage1 cases resolved in year were set out

For the 86 stage 1 complaints that were received in 2018/19 but not closed in year, the average number of working days open as at 31st March was 4

The percentage of complaints across all services that were resolved with the listed outcomes and a comparison with the previous year were detailed. The percentage of complaints that had been upheld or partly upheld in 2018/19 was broadly consistent with the previous year (31% compared to 32% in 17/18).

The primary causes recorded for resolved complaints as a percentage of the total and the percentage change compared with the previous year were set out. Service provision and communication remained in the top 3 causes for complaint and were joined by 'service quality' which had seen an 8% increase. Complaints regarding policy and procedures had reduced by 11%

The Local Government and Social Care Ombudsman (LGSCO) published annual review letters to all local authorities. The letters included information about the number of customers that approached them to complain about the Council, how many were refused, signposted, investigated etc. and for the investigated cases, what the LGSCO judgment was. The letter supplied both high level statistical data and the case references to allow further analysis. All annual review letters were publicly available online. When considering the annual review data, it was noted that the data supplied would not necessarily align with the data held locally. For example, the numbers quoted would include enquiries from people that the LGSCO signposts back to the Council, some of whom may never contact us. Additionally, some of the cases the LGSCO had closed within the year 2018/19 fell in to a different reporting period for the Council (e.g. the case may have been received significantly earlier or later by SCC).

On analysis of the Ombudsman Review Letter, there was a slight decrease in the number of complaints and enquiries received by the LGSCO in 2018/19 compared with the previous 12 months (81 in 2017/18, 76 in 2018/19).

As a general picture, the LGSCO have reported that they have upheld 58% of detailed investigations nationally for the year (a slight increase on 57%

nationally in 2017/18). It is therefore really pleasing that Somerset's uphold rate is below the national average by 3%, with a significant improvement on previous years (63% in 17/18, 79% in 16/17 and 78% in 15/16). Additionally, the LGSCO analysis shows that the number of Somerset complaints upheld is less than the average for similar authorities (which is 64%).

Debate

- There were processed involved in managing vexatious complaints. These were not used lightly or frequently.
- Clarification was provided that rejected or withdrawn complaints were often complaints not relevant to the authority or when the complainant did not wish to continue.
- Positive comments in relation to Council services went largely under recorded.
- Support was provided to complaints from under eighteen-year olds and vulnerable people to ensure they had a voice heard.
- Children's Social care were often likely to have higher levels of complaints due to the area of the Council it supports.
- Most ombudsmen complaints were not taken further.
- Reservations were expressed by the committee with the change to a 21 working day response to complaints. The generation of an automatic holding reply was requested to ensure a greater level of engagement.
- Leaving a 21 day response to a complaint was considered a concern if there were safeguarding implications. The committee were reassured that these would be prioritised, but ongoing issues and standard complaints would be dealt with as business as usual.
- It was requested if learning would be picked up with Somerset Highways complaints to reconsider service provision in areas where the greatest number of complaints were experienced.
- Where possible, expected increases such as times where road improvements were being conducted – trends would be assessed to ensure complaints could be mitigated.
- Self Service had experienced a 20% increase in usage, customers having encountered that using a complaint form on the web page was smoother to navigate through than using the contact centre.
- Where there were additional needs where disability or language barriers were encountered, Swan advocacy was used to ensure complainants understood the process.
- The report was due to be resolved as a key decision by the leader at the end of November.

The Committee noted the report.

22 **Any other urgent items of business** - Agenda Item 9

After ascertaining there were no other items of business, the Chair thanked all those present for attending, and close the meeting at 12.23pm.

(The meeting ended at 12.23 pm)

CHAIRMAN