



Leicester  
City Council

Minutes of the Meeting of the  
OVERVIEW SELECT COMMITTEE

Held: THURSDAY, 26 MARCH 2015 at 5:30 pm

P R E S E N T :

Councillor Dawood (Chair)

Councillor Chaplin	Councillor Dr Moore
Councillor Clarke	Councillor Newcombe
Councillor Grant	Councillor Osman
Councillor Kitterick	Councillor Porter
Councillor Singh	
Councillor Waddington	
Councillor Willmott	

In Attendance:

Sir Peter Soulsby, City Mayor  
Councillor Palmer, Deputy City Mayor  
Councillor Russell, Assistant City Mayor - Neighbourhood Services

Also Present:

Councillor Hanif Aqbany  
Councillor George Cole  
Councillor Vi Dempster  
Bernard Monaghan, Roman Catholic Diocese  
Councillor Malcolm Unsworth

Alex McLean – Youth Representative  
Haleemah Patel – Youth Representative

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## **98. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cooke, Senior and Westley.

Apologies also were received from:-

- Councillor Cleaver and Anu Kapur (Secular Society), who had been invited to attend the meeting for agenda item 15, “Any Other Urgent Business – Ofsted Report on the Inspection of Services for Children In Need of Help and Protection, Children Looked After and Care Leavers and Review of the Effectiveness of the Local Safeguarding Children Board”; and
- Councillors R Patel and Riyait, who had been invited to attend the meeting for agenda item 15, “Any Other Urgent Business - Senior Management in Adult Social Care”.

## **99. DECLARATIONS OF INTEREST**

Councillor Osman declared an Other Disclosable Interest in agenda item 11, “Executive Decision: Welfare Advice Services Review”, as he was a member of Highfields Community Association, which would be affected by the changes proposed.

In accordance with the Council’s Code of Conduct, this interest was not considered so significant that it was likely to prejudice Councillor Osman’s judgement of public interest. He therefore was not required to withdraw from the meeting.

## **100. CHAIR’S ANNOUNCEMENTS**

The Chair welcomed all present to the meeting, noting that there was a very full agenda for this meeting. In addition, two items that had not been concluded at the meeting of the Committee held on 23 March 2015 would be taken as urgent business, these being firstly consideration of the recent report from the Office for Standards in Education on children’s services and the effectiveness of the local Safeguarding Children Board, and secondly consideration of management arrangements in Adult Social Care services.

The Chair explained that he wanted to complete consideration of the agenda at this meeting and accordingly asked participants to be concise and when asking questions to refrain from making long introductions.

It also was noted that the City Mayor needed to leave the meeting for a short time at about 6.00 pm.

In order to facilitate the efficient despatch of business, items would be taken in a different order to that printed on the agenda.

## **101. PETITION REQUESTING THE COUNCIL TO REVIEW AND RESOLVE THE TRAFFIC CHAOS / CONGESTION: OFFICER RESPONSE**

The Monitoring Officer submitted a report explaining that a petition had been received asking the Council to review and resolve the traffic chaos / congestion caused by the various improvements made to the city centre and surrounding roads.

At the invitation of the Chair, the lead petitioner, Mr Radynski, addressed the Committee, noting that, unfortunately, the petition did not contain enough signatures for a Council debate to be held on this matter, as many signatories had used their home postcodes, which were outside the city, rather than work ones which were in the city, when signing the petition.

Mr Radynski reminded the Committee that, under the Traffic Management Act 1984, the Council was responsible for ensuring the smooth flow of traffic. However, if people did not take up alternative methods of travel, such as cycling, walking or using buses, congestion remained. The resulting pollution had an impact on public health, which was contrary to the Council's stated policies.

The Council had not acknowledged that congestion had increased, stating instead that it was unchanged. Mr Radynski therefore questioned how things could improve if the Council refused to accept the situation. People were still signing the petition, so the Council was asked to listen to their concerns and act accordingly.

On behalf of the Committee, the Chair thanked Mr Radynski for presenting the petition and his comments.

The Committee noted that this was a matter of considerable public interest, as could be seen, for example, from comments in local media. However, Leicester was an ancient city, with a road pattern dominated by that laid out in the Roman and Medieval periods. After the Second World War there had been considerable reconstruction of the city for the benefit of motorists, but this had been at a cost to historic elements of the city.

It was stressed that, as well as considering the issues raised through the petition, ways needed to be found for the city to continue to prosper. For example, pedestrianisation of areas of the city centre initially had been very controversial, but the city centre continued to thrive. However, a balance had to be maintained between the needs of motorists, cyclists, pedestrians, traders and the wider city, which it was recognised was not easy to achieve.

The Committee suggested that it would be helpful if the City Mayor could set out all of the plans for change over the next three to four years. This would enable people to see how they worked together and they could then comment in the full knowledge of what was trying to be achieved. It also could mean that situations were avoided where plans had to be changed as people were not aware of the context of individual proposals. The City Mayor welcomed this

suggestion.

Members noted that views had been expressed that some of the new facilities, such as bus lanes, were well used, but no figures had been produced to substantiate these. In addition, some of the changes appeared to oppose each other. For example, people were encouraged to use buses to come in to the city, but on entering the city there were signs saying that motorists could park in the city centre for £1. This did not correspond to the stated aims of freeing up the city centre and improving air quality. It was suggested that one way of showing that the Council was serious about achieving these aims would be to provide free parking for electric vehicles.

In reply, the City Mayor drew Members' attention to the Council's Air Quality Action Plan, which referred to free parking for electric vehicles. In addition, the Council's Cycling Strategy highlighted the health and other benefits of this style of travel. In addition, the Council's Parking Strategy encouraged motorists to park in other parts of the city than the centre, so not all vehicles were travelling and parking together.

Members observed that policies and proposals currently appeared to come forward in a piecemeal fashion, so checks had to be made for each one to see how it worked with the Council's other policies and proposals. For example, the cycle lane in Newarke Street was underused and there were no linking cycle routes to enable cyclists to reach it safely. Changes already made to roads seriously restricted the flow of traffic, but people were not incentivised to make the changes needed to their modes of travel.

The City Mayor refuted these suggestions, noting that a lot of plans had been promoted that were consistent with each other, all of which were transparent

The Committee noted that people took time to adjust to change and could find it difficult to do so. Many of the proposals being made were for long term change, but the Council was trying to reduce government projections for congestion by 2040.

Yash Sharma, Young Peoples Council, addressed the Committee at the invitation of the Chair, noting that many young people cycled to school. However, there were very few cycle lanes near schools and cyclists were unable to cycle on pavements.

The City Mayor agreed that safe routes for cycling to school were very important and, although there had been some good schemes promoting this in the past, there had not been enough of them. The comments regarding cycling to school therefore needed to be considered for future schemes.

At the invitation of the Chair, Mr Radynski made the following closing remarks:-

- He was a cyclist and a car driver, but cycling was now more dangerous, due to all of the recent changes and traffic policies did not seem to accommodate people being both;

- Over the last five years, it had become more dangerous to cycle in the city, partly due to increased stress levels of drivers;
- Safe routes were needed to schools, which in turn would reduce congestion at schools, as it would reduce the need to drive to schools;
- The city's arteries were choked, which was squeezing the life out of the city centre;
- Department of Transport statistics showed that the number of cars entering and leaving Leicester had not changed much. Interestingly, although this number had reduced during the recent recession, the number of cyclists had not increased.

Mr Radynski advised the Committee that he had some questions he would like to ask the Council, so the Chair invited him to leave them with officers and a written response would be provided.

On behalf of the Committee, the Chair thanked Mr Radynski for attending the meeting and for his input.

RESOLVED:

- 1) That the City Mayor be asked to:-
  - a) Investigate the issues raised through the petition and the discussion recorded above and to advise this Committee of the action it is proposed to take;
  - b) Make information available on all planned changes to traffic routes in the city over the next few years, and the timescales involved, to enable Councillors and the public to see how they integrated with each other and with other plans for the development of the city; and
  - c) Investigate the concerns raised above and take them in to consideration in future plans relating to traffic planning; and
- 2) That the Monitoring Officer be asked to send a written reply to the questions passed to officers by Mr Radynski.

## **102. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE**

In accordance with Scrutiny Procedure Rule 10 of Part 4E of the Council's Constitution, the Chair informed the Committee that the Monitoring Officer had received a Statement of Case from the Chair of Women's Aid Leicestershire in respect of the Changing Specialist Domestic Violence and Sexual Violence Services in Leicester, Leicestershire and Rutland consultation. This had been circulated with the agenda.

The Chair also informed the Committee that, in accordance with Scrutiny Procedure Rule 10 of Part 4E of the Council's Constitution, two questions had been received. These had been circulated to Members prior to the meeting, but were read out by the Chair for the sake of clarity:-

a) Question from Mrs Sandra Thomas:

“Will the Council ensure that the Advice Services review includes a full assessment of the current need for welfare rights’ services in the city and likely future needs?”

b) Question from Lorna Anderson:

“Will the committee recommend that a full public consultation is carried out in relation to the Advice Services review with the citizens of Leicester and relevant organisations which work with city residents who require these services?”

As the questioners were not present, full written replies would be sent to each. The Chair further suggested that the matters raised in the questions could be considered in the forthcoming discussion on the recent Executive decision on the Welfare Advice Services review, (minute ..... , “Executive Decision: Welfare Advice Services Review”, referred).

RESOLVED:

- 1) That the Assistant Mayor (Neighbourhood Services) be asked to send a full written reply to Women’s Aid Leicestershire in response to its Statement of Case regarding the Changing Specialist Domestic Violence and Sexual Violence Services in Leicester, Leicestershire and Rutland consultation, copying interested Members in to that reply; and
- 2) That the Assistant Mayor (Neighbourhood Services) be asked to send a full written reply to each of the Questions recorded above to the respective questioners.

### **103. PETITIONS**

The Monitoring Officer reported that no petitions had been received that were not already being considered at this meeting. (Minute 101, “Petition requesting the Council to Review and Resolve the Traffic Chaos / Congestion: Officer Response”, referred.)

### **104. TRACKING OF PETITIONS - MONITORING REPORT**

The Monitoring Officer presented a report which updated Members on the monitoring of outstanding petitions. Information on progress with various petitions since the publication of the report was tabled and is attached at the end of these minutes for information.

With regard to petition reference 15/05/2014, (measures to tackle crime and anti-social behaviour in Vulcan Road), it was noted that Vulcan Road fell in two wards, namely Spinney hills and Charnwood, not just Spinney Hills as stated on the monitoring sheet.

RESOLVED:

- 1) That the report and current outstanding petitions be noted;
- 2) That the Monitoring Officer be asked to amend the Ward stated for petition reference 15/05/2014 be amended to show it falling within Spinney Hills Ward and Charnwood Ward; and
- 3) That petitions referenced 04/12/2014, 18/06/2014, 16/09/2014, 02/10/2014, 16/10/2014, 20/11/2014 and 19/12/2014 marked as 'Petition Process Complete' be removed.

#### **105. EXECUTIVE DECISION: WELFARE ADVICE SERVICES REVIEW**

The Committee received details of the decision taken by the City Mayor to approve proposals for a review of the Welfare Advice Service.

The Chair introduced this item, outlining three main areas of concern about the impact of the review:-

- One of the reasons given for the review of the service was that welfare rights advisors were expensive, due to reliance on experienced staff. The service was accredited by the Solicitors Regulation Authority, which created additional administrative tasks, (for example, opening files and sending regular written updates to service users). It was proposed that this service would be replaced with Citizens Advice Bureau (CAB) volunteers;
- The service currently found approximately £5 million in benefits for the city's residents; and
- The welfare rights advisors undertook significant background work for claimants.

At the invitation of the Chair, Councillor Aqbany addressed the Committee, explaining that he was a former welfare rights worker, having worked with St Peter's Tenants Association for 13 years and in a private capacity for a further four. He currently worked with a high number of people in his ward on welfare rights issues.

He then made the following points:-

- Cases dealt with by welfare advice workers were often complex and the in-house service were best equipped to deal with these because of their expertise.

- The Council sign-posted people to other providers for guidance and advice, but this could be difficult to do, as other advice providers were overburdened with work;
- Recent welfare reforms meant that a lot of benefit recipients needed specialist help. This could also impact on their ability to pay rent and Council tax; and
- If the changes proposed were made, the Council would be in a position of picking and choosing who was helped.

At the invitation of the Chair, Gaynor Garner of Unison addressed the Committee. She drew attention to comments on the decision from Unison, which had been circulated before the meeting. Details of two case studies submitted by Unison were tabled at the meeting and are attached at the end of these minutes for information.

Gaynor Garner explained that Unison was concerned about the proposal to move to CAB volunteers providing advice and away from Council staff doing this. She noted that the report stated that there currently was a duplication of services, but what was meant by this was not explained. In summary, it appeared that the review was budget driven, not service driven, and would impact on the most vulnerable in the city.

The following comments were made in discussion and responded to by Councillor Russell, Assistant Mayor (Neighbourhood Services):-

- The Council had, for many years, supported the welfare advice service. This helped ensure that people received what they were entitled to, as it was known that many benefits went unclaimed every year in the city. It was recognised that savings needed to be made in services, but there was continuing and increasing concern about changes to welfare benefits, including the imminent introduction of universal credit.
- The business case for reducing this service had not been made, with no evidence having been provided that £200,000 could be saved from the service without reducing current levels of service delivery, or where the cuts in service would be made to achieve these savings. The report also did not identify how service delivery would be monitored.

*Response from the Assistant Mayor:*

This service had been included in the list of service reviews drawn to the attention of the Neighbourhood Services and Community Involvement Scrutiny Commission at the start of the 2014/15 Council year.

There were many advice providers in the city and they were invited to participate in the Social Welfare Advice Partnership. It was ensured that participants had the quality standards mark for advice, to ensure



that the same quality of advice was given around the city.

During the initial stage of this review, a risk analysis of the implications of the introduction of universal credit had been undertaken with other advice providers through the Partnership. This had included what changes were likely to arise in advice that would be needed.

It would be determined whether the minutes of Partnership meetings could be circulated to Members. These did not just record general discussions, but included in-depth analysis of issues faced by the social welfare sector, such as changes being proposed, (for example, the introduction of universal credit), the number of sanctions being issued, cases being presented and difficulties with these, as well as the success of challenges.

At present, the welfare rights team covered all three tiers of work, but they were specialists who needed to concentrate on Tier 3 work, (the most complex). It was important that these specialist skills were retained, but if only Tier 3 work was done, fewer staff would be needed, so achieving the savings identified.

- At present, it appeared that approximately £200,000 would be left in the service after the proposed cuts, but there would be virtually no workers.
- Benefit claims were complicated, so people needed to get specialist advice on them. As such, the Council should be making more investment to help people access benefits, find work and receive the correct advice.
- It was proposed that CAB volunteers would “triage” cases, instead of this being done by paid staff as at present, but there was concern that CAB volunteers would not have the training to do this. Moving the service away from Council officers, whose salaries were not particularly high, and proposing to replace them with volunteers could be seen as a lack of respect for their experience. Any “triage” process should be undertaken by appropriately qualified and experienced staff, as the increasingly complex nature of benefits meant that untrained front line workers could miss things that resulted in the claimant suffering.

*Response from the Assistant Mayor:*

Welfare rights staff were greatly valued, but it was important that they were able to focus on Tier 3 work, (for example, the most complex cases, or issuing challenges). Tier 1 work was the most basic level of advice and Tier 2 work involved the completion of forms. Welfare rights officers currently did all three tiers of work, instead of tiers one and two being delivered through commissioned services as provided for under the commissioned services contract. Experienced staff therefore would continue to have a crucial role in the provision of welfare advice.

CAB volunteers would be trained to undertake the work that the CAB

would be taking on.

The commissioned services contract was designed to recognise that the service had capacity to develop over time. The target for year 1 for Tier 1 work was 12,000 cases per year, but this had been exceeded. The targets in years 2 and 3 were 17,000 and 19,000 respectively. The target this year for Tier 2 cases was 6,000, although just over 7,000 cases had been dealt with.

- In the future, if those giving were untrained, it could lead to a deterioration in service. Consideration therefore could be given to how any gaps identified in the service could be filled with trained staff.
- The relationship between the CAB and the Council would change when the CAB took over the “triage” process. Information therefore was needed on what safeguards would be introduced for this. These would be particularly relevant if problems arose with the “triage” process.

*Response from the Assistant Mayor:*

A number of baselines in the contracts were monitored, such as income raised, and issues were followed up. Monitoring information could be provided for scrutiny on a regular basis.

- The most significant increase in enquiries had been from Children’s Centres. It was assumed that this reflected child poverty and changes should not be made that disadvantaged children any further. The changes in service should not be made until there was clear evidence that the CAB could adequately deal with this part of the service, as cutting welfare advice services would not reduce child poverty.

*Response from the Assistant Mayor:*

The increase in cases from Children’s Centres related to initial welfare checks, made to see if people were entitled to benefits and to ensure that as many people as possible were signed up for the benefits they were entitled to. This could be done by trained volunteers.

- There had been no consultation on the proposed changes to the services provided, so no action should be taken before relevant groups had been consulted.

*Response from the Assistant Mayor:*

External consultation had been undertaken when commissioned welfare advice services were introduced, as this involved change to the services offered. It was not being done for this review, as the services being offered were not changing.

- People would want to receive advice in places they could get to without having to travel too far.

*Response from the Assistant Mayor:*

Where people accessed commissioned services was one of the baselines monitored under the contract, as it was recognised that people would want to access services near their home.

- It was not clear if the last recommendation in the report, referring to the Adult Social Care service undertaking the review of the Welfare Rights Service, had been agreed or was a suggestion. Other issues in that service at present could make it preferable for it not to do the proposed review.

*Response from the Assistant Mayor:*

The review would be carried out by the Adult Social Care service, as the welfare advice service was part of the Adult Social Care service area. It would be supported by other Council services involved in the provision of welfare advice, but the concerns raised will be taken in to consideration.

- The Council's welfare advice services team had done excellent work and this level of expertise should be maintained. Consideration therefore could be given to the current team working in partnership with the voluntary sector, rather than that sector taking over the work.
- Information was requested on how this review would affect the Highfields Advice Centre.

*Response from the Assistant Mayor:*

The advice services offered by the Highfields Advice Centre were not included in this review, but would be included in any future general review of all commissioned advice services.

It was understood that the Community Association allocated approximately £45,000 to advice services from the funding it received from the Council.

- The introduction of universal credit would have a great impact on city residents, so losing qualified workers would leave the most vulnerable exposed, as demand for welfare advice services was likely to increase. Volunteers could be used to supplement qualified workers.

*Response from the Assistant Mayor:*

The review aimed to ensure that a "seamless" service was provided across the city, providing the right level of legal advice and support and ensuring that specialist staff could focus on specialist cases. The appropriate scrutiny committees were therefore urged to monitor the service on an ongoing basis.

The opinion was expressed that enabling the welfare advice officers to focus on Tier 3 work was a sensible option, as the service would remain the same, but would be delivered more efficiently. However, other Members remained opposed to the proposals.

The Committee requested that earlier notice of decisions such as these be given, to enable Members to scrutinise them and request information in good time. In reply, Councillor Russell reminded Members that the first meeting of the Neighbourhood Services and Community Involvement Scrutiny Commission of the 2014/15 Council year had been presented with a list of spending reviews for that year. The reviews potentially coming under the remit of that Commission, including this one, had been highlighted. The situation that had arisen with this decision showed the importance of Members involvement in issues such as these at an early stage.

Councillor Russell also confirmed that it had been agreed that the decision taken would not be implemented before it was scrutinised at this meeting. For this reason, it had not yet been possible to discuss the business case with the staff concerned.

In view of the concerns raised by Members, the Committee asked for an assurance that none of the proposals contained in the decision would be implemented until the information requested by the Committee had been received and Members had had chance to consider it. It was further suggested that, if Members did not feel that the information answered the concerns raised above, the decision should not be implemented and the matter referred to Council.

The City Mayor expressed concern that this could severely delay the review, as the forthcoming elections meant that it would be some time before the next meetings of scrutiny committees and Council. Members recognised that implementation of the decision could not be delayed indefinitely, but stressed that it was important to consider the information requested before that implementation.

**RESOLVED:**

- 1) That the Assistant Mayor (Neighbourhood Services) be asked to determine whether the minutes of the Social Welfare Advice Partnership can be circulated to Members and, if they can be, to circulate them to members of this Committee;
- 2) That, if not covered by resolution 1) above, written details of the risk analysis of the impact of the introduction of universal credit be circulated to Members;
- 3) That the Assistant Mayor (Neighbourhood Services) be asked to provide monitoring information for the commissioned welfare advice services contract to members of this Committee;
- 4) That following receipt and consideration of the information requested under resolutions 1), 2) and 3) above, members of this Committee refer the matter to Council for resolution, unless those members feel that the information provided

adequately answers the concerns recorded above; and

- 5) That the Executive be asked to not implement the decision taken on 6 March 2015 by the City Mayor relating to “Spending review programme – Welfare Advice Service” until the outcome of resolution 4) above is agreed, it being noted that the Executive is further asked not to implement the decision if the matter is referred to Council.

#### **106. EXECUTIVE DECISION: CORPORATE RESOURCES AND SPENDING REVIEW PROGRAMME**

The Committee received details of the decision of the City Mayor to approve proposals to achieve savings from the corporate resources division as part of the Council’s spending programme.

An assurance was requested that there would be continued support for Community Meetings and that an allocation would continue to be made for Ward Grants, as there had been some concern that both of these things would be removed under the proposed review.

The Deputy City Mayor confirmed that Ward Meetings would continue to have an important role in communications, but it was recognised that they were more successful at this in some parts of the city than others. Support therefore would continue to be generally given to community meetings.

With regard to Ward Budgets, it was noted that there was a view that other budgets could be used to enhance these. For example, health funding recently had been approved to wards to be used to encourage people to grow their own food. This highlighted the need to bring coherence to how budgets were used in the future.

It also was asked whether the posts in the Press Team that currently were vacant would be deleted under this review. In reply, the City Mayor confirmed that the Press Team was excluded from this review.

The Committee noted that details of anticipated savings for Delivery, Communications and Political Governance were not given in the report, as they were for other service areas. The Director of Finance explained that this figure was profiled in the report, but each division was structured differently. Delivery, Communications and Political Governance Services consisted of a number of small teams; however, in Financial Services for example, teams were large and therefore it was impossible to allocate targets to teams within the division. More detailed information could be provided to Members as it became available, along with details of current and proposed staffing structures.

In reply to a query about the future structure of Democratic Services, it was noted that every area of those services would be reviewed. This would include consideration of how meetings would be supported in the future. However, the review would not just focus on staff, but would include things such as

increasing use of paperless technology and how the public could be engaged in scrutiny meetings.

RESOLVED:

- 1) That the relevant Directors be asked to provide more detailed information on where savings will be made under the spending review of Corporate Resources and Support services as they become available, this information to include current and proposed staffing structures; and
- 2) That the Chief Operating Officer be asked to consider the comments recorded above during the forthcoming spending review programme review of Corporate Resources and Support.

#### **107. ADJOURNMENT OF MEETING**

The meeting adjourned at 7.25 pm and reconvened at 7.40 pm.

#### **108. ANY OTHER URGENT BUSINESS**

The Chair stated that he had agreed to take the following two items as Urgent Business in accordance with Scrutiny Procedure Rule 14, part 4E of the council's constitution.

- 1) Inspection of services for children in need of help and protection, children looked after and care leavers and Review of the effectiveness of the local safeguarding children board.
- 2) Senior Management in Adult Social Care.

The Chair stated that the reasons for taking the items as urgent business were:

- a) Due to time constraints they could not be fully considered at the meeting of the Overview Select Committee on Monday 23 March 2015;
- b) Because of the considerable public interest in the items of business; and
- c) Also because there would be no further opportunity for the committee to meet prior to the pre-election period which would commence on Monday 30 March 2015.

#### **109. INSPECTION OF SERVICES FOR CHILDREN IN NEED OF HELP AND PROTECTION, CHILDREN LOOKED AFTER AND CARE LEAVERS AND REVIEW OF THE EFFECTIVENESS OF THE LOCAL SAFEGUARDING BOARD**

The Chair explained that a number of questions relating to the Ofsted Report had been submitted in advance from Members, in order that the responses could be received and considered before the meeting commenced. The Chair

had formed the questions into what he considered to be nine significant events in the Review of Children's Social Work. Of these, events one to five had already been considered during the previous meeting on 23 March.

### **Event 6: A recovery plan is developed**

The City Mayor was asked whether he had commissioned a report into Children's Services following meetings in May or June 2014, with the then Assistant City Mayor for Children, Young People and Schools. There had been a reference to this in the previous meeting; a copy of the report had been requested but had not been received. There followed some discussion as to whether this report was actually commissioned in 2014 by the City Mayor, or whether it was being confused with a report that the Chief Operating Officer (C.O.O) had asked Elaine McHale, the incoming Interim Director of Children's Services to produce 2013. The City Mayor confirmed that he had not said at the last meeting he had commissioned a report as asserted by Councillor Porter.

Members raised a series of other questions relating to the Ofsted Report, which were responded to by senior officers, the City Mayor and Councillor Dempster. These included the following (responses are in italics).

- Following the recent Ofsted Report, when would the draft Improvement Plan be made available to the scrutiny commission?

*It was expected that the draft Improvement Plan would be drafted by the end of April 2015; it needed to be submitted to the Department for Education in June. The City Mayor explained that as there would be no formal meetings during the pre-election, this could be brought to the first meeting after the election but also copied into Members before that.*

- Did the council now have a full complement of social workers? It was noted that previously actions had been taken to recruit more staff, but despite this, staff had continued to leave.

*There were currently two members of staff over the establishment, but the situation was very fluid, as the figures included agency staff that could leave at very short notice. The aim was to move to a high quality more permanent work force.*

Members requested details of the number of staff, including information as to how long they had worked at the council.

- It was recognised that agency staff were expensive. What initiatives were in place to develop our own social workers (such as by working with Universities)? The long term advantages would outweigh the initial expense.

*There were various initiatives now in place as part of the workforce strategy that was currently being developed; these included, working with the*

*universities, induction programmes and ensuring that staff felt valued. Further suggestions on how this could be further developed were welcomed.*

#### **Event 7: When did Ofsted Arrive?**

Ofsted telephoned the council at 9.00am on 13 January 2015 to inform them that they would be coming to carry out their inspection on 14 January 2015.

#### **Event 8: Ofsted indicate that there were serious problems**

- Concerns were expressed as to whether elected members would have known about the serious issues that Ofsted identified, had their report not been made public.

*For the last few years, there has been a Safeguarding Children Panel, with membership comprising of a range of councillors. The number of unallocated cases was reported to that panel.*

Councillor Dr Moore commented that she was a member of that panel, and while they had received reports on the number of unallocated cases, more often than not, they were informed that there were no unallocated cases. These reports appeared to have stopped once Andy Smith, the previous Director of Social Care and Safeguarding had left the authority, and there were no such reports after September.

- Earlier in the meeting, members had been informed that the situation regarding the number of unallocated cases became apparent in October. How difficult was it to establish this?

*When the new Director of Children's Services (D.C.S.) came to post, she became aware of the problems when it took 48 hours for her to receive an answer to a straightforward question regarding the number of unallocated cases.*

*Councillor Dempster added that there were problems from the moment that staff realised that there was going to be a review. The service was fragile with staff instability.*

- Concerns were reiterated as to whether councillors would have been made aware of the problems if Ofsted had not have carried out an inspection. Other reviews were not subject to an Ofsted inspection and it was questioned as to what safeguards could be put in place for when there were problems with other reviews
- Part of the Ofsted methodology was that self-assessments should be carried out. Did this happen and if so, what was the judgement of our self-assessment.

*The D.C.S. responded that when she arrived at the authority, she worked on the existing self-evaluation, which was subsequently reviewed by the time*



*Ofsted arrived. This self-evaluation reflected what Ofsted found, though by that time, the issues were already being robustly addressed in the council's improvement plan. Councillor Dempster added that they realised that there were issues around the quality of staffing; which to an extent was not unexpected due to the levels of staff turnover.*

- Were exit interviews carried out and if so, was there a familiar picture emerging from those interviews? How many experienced social workers with long service remained and what was the ratio of agency to in-house staff?

*Officers responded that information relating to staffing could be forwarded to the councillors. The D.C.S. stated that she had no record of exit interviews, being held. The C.O.O. added that exit interviews had always been offered but were not normally taken up.*

A Member referred the D.C.S. to the first meeting of the Children, Young People and Schools' Scrutiny Commission that she attended after she arrived, where she was asked about challenges that she felt she faced in her new role. The D.C.S. was questioned as to whether she remembered at the time referring to this particular issue. The D.C.S. responded that she could not remember and the Member requested that minutes of that meeting be produced.

- The Strategic Risk Register for January 2015, included a risk relating to the safeguarding of vulnerable groups, with a risk of a severe impact on staff morale. The risk had been given a rating of '2' which was considered to be low and did not reflect the concerns raised by Ofsted. Concerns were raised that Members needed to trust that the entries on the Risk Register were correct.

*Officers acknowledged the concern raised regarding this particular entry, but added that the officer who dealt with the Risk Register was very diligent. A member of the Audit and Risk Committee expressed concerns that the officer responsible did not have sufficient capacity to monitor all risk registers.*

### **Event 9: The removal of the Executive Lead for Children, Young People and Schools and the Interim Corporate Director**

- Did Ofsted make any attempt to talk to Elaine McHale, the previous Interim Director?

*Officers responded that they could not answer this question on behalf of Ofsted; they would have been aware that Elaine McHale was still present at that time; however it would not have been normal practice for Inspectors to speak to previous Directors.*

- Concerns had been raised generally regarding the appointment of the Interim Director. The process appeared to have been secretive.

*The City Mayor replied that the process for making interim appointments had not always been satisfactory in the past and measures were being taken to address this, so that the same process for making permanent appointments would apply to interim Director appointments.*

- In relation to the appointment of the Interim Director, could someone within the council have been given the opportunity to 'act up' in the post?

*There was no one suitable to take on this responsibility.*

- One of the Youth Representatives commented that at a meeting of the Children in Care Council, the City Mayor and the new Director had talked about the removal of Elaine McHale, but nothing had been said about the removal of the Assistant City Mayor for Children, Young People and Schools. People had asked why this had happened and whether there would be a replacement.

*The City Mayor responded that he had made it clear that he and Councillor Dempster, the Assistant City Mayor at the time, had not been kept informed of the situation. He was taking on this portfolio for the time being, but this was not sustainable for long because of the size of the portfolio. Another appointment would be made, but not before the election.*

- Were disciplinary warnings issued to any officers?

*The City Mayor confirmed that warnings had been given, but explained that he could not give further details.*

## **The Ofsted Report**

The Chair then invited members to consider the Ofsted Report. He summarised the findings of the Inspectors.

Members expressed their concern over the findings highlighted in the report. It was noted that some of the areas that had been identified as needing improvement in the previous Ofsted report in 2011, had still not been addressed.

Members commented that the Ofsted inspection did not just identify the issue of unallocated cases, but highlighted other issues such as failings in management and poor systems for the collection of data. They questioned how poor corporate leadership could be addressed and also queried the effectiveness of transferring data collection to a Corporate Data Centre. Members also questioned whether senior management had had concerns about the lack of data that was available and whether they had been pro-active in addressing any concerns they had. The C.O.O. responded that it was subsequently recognised that there was an issue; the information that was being received did not reflect the deteriorating position. It was acknowledged that lessons needed to be learned from what had happened. Members stated that there needed to be lines of accountability, both up and down the pay

scales.

It was noted that Councillor Dempster had previously referred to the Children's safeguarding service as 'fragile' and a question was raised as to what she meant by this term. Councillor Dempster explained that there were issues relating to the quality of the service and higher levels of staff instability than was desirable. When asked what action she took to address the fact that the service was fragile, Councillor Dempster responded that it was the responsibility of the operational strategic staff to implement solutions, rather than for politicians to run the departments. She had spoken to the new D.C.S. about developing a workforce strategy and she welcomed this as a measure to facilitate a more stable workforce.

It was noted that the improvement plan, arising from the Ofsted inspection, would be brought to the CYPS scrutiny after the election, and this was welcomed so that members could work on this for the good of the children and young people.

It was noted that the Ofsted Report referred to young people aged 16 and 17 years and a lack of protocol between social care and housing. The report also judged that the experience and progress of care leavers required improvement. Members expressed a hope that young people in this age group would be covered in the improvement plan. The D.C.S. explained that an improvement plan had now been in place for a few months and there had always been a protocol for young people in this age group but that it needed updating. An Improvement Board would be established which would be robust and transparent.

Members referred to the problems identified with the Local Safeguarding Children's Board (LSCB) and questioned how these could be addressed. The D.C.S. responded that the LSCB was linked into the work and would be included in the Improvement Plan.

The C.O.O. was asked whether he was confident that proper systems were in place in relation to performance monitoring across all departments. The C.O.O. responded that whilst he was not 100% confident, the system was improving in Children's and Adult's services. There had been a dip in performance reporting when the new electronic system had been implemented, but this was improving. Performance reporting had been devolved into the departments and he was of the view that this needed to be lifted up to a corporate level. Lessons needed to be learned from what had happened, and these would be addressed in the Improvement Plan. He added that he could see that there would be significant changes to the arrangements for reporting performance including the relationship with scrutiny.

Councillor Dempster was asked whether she regretted shadowing the Assistant City Mayor for Adult Social Care during the past few months. Councillor Dempster responded that she did not regret this, it had not taken up a significant amount of her time and there had been some overlap in the portfolio anyway.

A query was raised as to why, following the Action Plan that arose out of the 2011 inspection, there were no quantifiable improvements to the service. Councillor Dempster responded that there were issues at the time regarding the quality of the service, and improvements in social care depended on the quality and stability of staff. The Chair asked for a copy of a report that went to the CYPS Scrutiny Commission in 2012, with details of that action plan to be circulated.

The Chair then drew the discussion to a conclusion. He stated that Ofsted had highlighted the authority's failings and he questioned when Leicester would be judged to be 'outstanding'. The D.C.S responded that this would take time, but there would be a progress meeting with Ofsted and it was hoped that then, significant improvements would be seen. It was estimated that in 2 ½ years, Leicester could be judged by Ofsted to be 'Good'; an 'Outstanding' rating would take longer.

The City Mayor added that during the discussions, the focus had been on the council, but there had also been issues with the council's partners and there was a need to consider the way the authority worked with and engaged with them as well.

The Chair asked for a list of previously written conclusions and recommendations to be circulated. Councillor Chaplin requested that an additional recommendation be included to note that it was recognised that there was not a 100% confidence in performance data reporting but members looked forward to this being rectified.

A Member commented that he would like to consider the conclusions and recommendations in more detail and he was informed that they were at this stage, interim.

The Chair proposed and Councillor Willmott seconded that the conclusions and recommendations be agreed as interim. This was duly agreed.

The City Mayor expressed his concerns, stating that they were clearly written before the meeting, and were not at all credible given the evidence heard and questions asked.

The Chair stated that they were interim conclusions and recommendations and would be forwarded to the City Mayor for his consideration.

RESOLVED:

that the interim conclusions and recommendations be forwarded to the City Mayor for his consideration.

## **110. SENIOR MANAGEMENT IN ADULT SOCIAL CARE**

The Chair led a discussion regarding senior management in Adult Social Care.

A Member questioned whether there would be an outside independent review of Adult Social Care in the same way that Ofsted had reviewed Children's Services. The City Mayor responded that he did not feel that this would be helpful as the services were very different, but what was important that lessons were learned from the Ofsted inspection. He also said that it was important that the Adult Social Care, and the CYPS scrutiny commissions were given the performance data and information that they required.

Members noted that the same person chaired the Local Safeguarding Board for Adults and that for Children and it was questioned whether this would be reviewed. Members were advised that it would be inappropriate to talk about individuals, however consideration was being given as to whether it was feasible for the same person to chair both boards, given that there was such a focus on children.

Concerns were raised in relation to whistle blowing, as it was understood that a communication had been sent to staff informing them that it was inappropriate to talk to councillors about issues or concerns they had. Comments were made that such whistleblowing (and not lobbying) should be permitted. Officers responded that the council had a robust whistle-blowing policy, which had recently been agreed at Audit and Risk, and the code made the distinction between lobbying and whistleblowing clear. A representative from Unison, added that staff could talk to their unions if they had any concerns.

It was noted that Ofsted had carried out their review specifically in Children's Services, and the City Mayor was questioned as to whether there were similar problems in other areas within the council's social services. The City Mayor stated that safeguarding children was a very special responsibility of the council and of the highest priority. He welcomed that fact that 7 – 8 hours had been spent in discussing the issues around the Ofsted Report and that so many probing questions had been asked. However, he could not say that within an organisation as complex as the council, that everything was as good as it should be, because that would lead to complacency.

Councillor Chaplin requested that the following recommendation should be added to the list of interim conclusions and recommendations relating to the earlier discussion around the Ofsted Report:

That Councillor Chaplin is in dialogue with the C.O.O. and hopes that this will continue over the election period.

RESOLVED:

- 1) that the comments of the Overview Select Committee be noted; and
- 2) that the recommendation as requested by Councillor Chaplin be included in the list of interim conclusions and recommendations agreed in respect of the Ofsted Report.

**This concluded the items considered under any other urgent business.**

## **111. QUESTIONS FOR THE CITY MAYOR**

The Chair announced that due to time constraints, there would be no questions for the City Mayor.

## **112. SCRUTINY COMMISSIONS' WORK PROGRAMMES**

Due to time constraints, the Chair invited the committee to note the following reports of reviews:

### **Employment, Skills and Training Review (Economic Development, Transport and Tourism Scrutiny Commission)**

RESOLVED:

that the report be noted.

### **Communal Cleaning Task Group Report (Housing Scrutiny Commission)**

RESOLVED:

that the report be noted.

### **Equality Impact Assessments and Lesbian, Gay, Bi-Sexual and Trans (L.G.B.T) Issues (Overview Select Committee)**

Councillor Chaplin, the Chair of the Task Group stated that the report set out recommendations for the Executive and Scrutiny Commissions and she hoped that these would be read and taken forward in the new municipal year. The recommendations were about the services that the council delivered as well as Equality Impact Assessments.

The work with the Task Group was achieved with the cooperation of the L.G.B.T. Centre and if the recommendations were taken forward, the council had the opportunity to be one of the first authorities in the country to separate out those groups and acknowledge them to be separate communities.

RESOLVED:

that the report be noted.

## **113. MEMBER INVOLVEMENT IN PROCUREMENT**

Due to time constraints, this Item was not considered.

## **114. LEICESTER CHILD POVERTY COMMISSION: UPDATE ON THE COMMISSION'S RECOMMENDATIONS**

Due to time constraints, this Item not considered.

**115. LIVING WAGE ACCREDITATION**

Due to time constraints, this Item was not considered.

**116. CLOSE OF MEETING**

The meeting closed at 10.00 pm.





OVERVIEW SELECT COMMITTEE – 26 March 2015

UPDATE ON THE PETITIONS MONITORING REPORT

The details of the following petitions have now changed since the report was published with the agenda:-

PETITION Date Received	LEAD PETITIONER	SUBJECT	NEW STATUS	REASON
26/11/2014	Mr J Mistry	Petition requesting a regeneration scheme in Belgrave Road and Melton Road together with a number of other initiatives which could be implemented to regenerate the area.	<b>GREEN from 'Red'</b>	Pro-forma sent to Scrutiny Chair 26 March 2015.
28/11/2014	Mr S Smith	Petition requesting the Council to require the owner of a House in Multiple Occupation in Dillon Street to provide off street parking bays on the property.	<b>GREEN from 'Red'</b>	Pro-forma sent to Scrutiny Chair 26 March 2015.
7-12-2014	Mr Karim	Petition requesting the Council to address parking issues in Nansen Road caused by nearby commercial properties.	<b>GREEN from 'Red'</b>	Pro-forma sent to Scrutiny Chair 26 March 2015.



## Welfare Rights Service case studies 2015

### Case study 1

F is a Gambian National who was the victim of Domestic Violence, as she and her child were homeless and destitute, Social Care Persons from Abroad team were supporting her while her application for indefinite leave to remain was being processed.

As she was the sole carer of her British National child welfare rights advised she could qualify for benefit following the case of Zambrano in the European Court of Justice.

F had claimed Child Benefit, Income Support and Housing Benefit. These were refused and Welfare Rights took up all three appeals.

At the appeal hearing Welfare Rights successfully argued her case and she won all three appeals.

F was finally paid £3,898.15 Income Support, £1,177.40 Child Benefit and £7,338 Housing Benefit and is now in a position to pay back monies she received from the local authority.

### Case study 2

A Fairer Charging long form was received for W. Following a benefit check and some research it was identified that he was entitled to a couples severe disability premium on Income Support dating back to 2008 because both he and his wife were on qualifying disability benefits throughout the period and this had been missed by the Department for Work & Pensions.

Additionally WRS identified that his lower rate Attendance Allowance could be increased by a supersession due to night care needs and that non- dependent deductions were being taken incorrectly due to disability benefit entitlement.

WW received £18,678 Income Support arrears and £3,501 Housing Benefit arrears. He also received £26.85 more Attendance Allowance per week, £14.13 more Housing Benefit and £61 more Income Support.

The local authority could then recoup £60 per week towards home care charges due to the increase in W's income.



## Overview and Select Committee

These are the conclusions and recommendations of the OSC meetings in relation to the Ofsted and the ASC Senior Management Arrangements

### Conclusions

1. We are grateful to Ofsted for producing a clear report detailing where the Councils children's services are inadequate and in need of improvement. We are not convinced that the Council would have discovered this by itself.
2. We deeply regret that the Council has let vulnerable children down and put them at risk because of failures of governance, management and practice.
3. We are concerned that no elected person or officer has accepted any responsibility for the situation and have instead claimed ignorance and lack of information. We regret that no clear evidence has been presented to determine responsibility.
4. In our view the service review which led to social workers leaving and resulted in an unacceptable level of unallocated cases was driven too much by the need to make savings. (£1.8m). There was insufficient risk analysis and reporting of the review's impact to senior management and councillors. It is possible that too many things were changed too quickly creating an unstable environment.
5. We believe that the HR, Audit and Finance functions failed in their role to monitor and report on significant changes that ought to have alerted the council to problems.
6. We are concerned that it is possible for the unions to make complaints about problems in the service as a result of staff leaving and to lodge a series of related grievances, without this being brought to the attention of politicians.
7. We remain unconvinced by the Assistant Mayor Children's account of why she didn't know things were seriously deteriorating in the service between the 2011 and 2015 Ofsted reports. It appears that she did not have a sufficient understanding of the performance of the service as would be expected for the Lead Member.
8. We believe that the City Mayor should have had a better understanding of the performance of Children's Services and conclude that this needs to be the case in future and that he takes steps to ensure this.
9. That effective scrutiny was significantly hampered by the lack of performance data and unwillingness of the senior leadership of the council to provide information and reports when requested.
10. We noted the changes in monitoring across all departments and the lack of confidence the coo has in the monitoring info and how that is going to change.

11. In our view the service review which led to social workers leaving and resulted in an unacceptable level of unallocated cases was driven too much by the need to make savings. (£1.8m).
12. We are concerned that the Lead Member was being directed to give attention to areas other than Children's Services, namely Adult's Social Care, in direct contradiction of the Munro report recommendation (which was supposed to have underpinned the review).
13. We are concerned that the Council failed to appoint a principle senior social worker, as recommended in the Munro report, and that having failed to do so no mitigation steps were done to cover for this absence.

This resulted in the failure of senior management to understand the problems felt by social workers and their low morale, the exact problem the principle senior social worker is supposed to report on.

## **Recommendations**

1. In future we expect full compliance with Ofsted's requirements for improvement. Including that the Improvement Board reports monthly to Scrutiny on progress.
2. Given that Ofsted found the LSCB to be inadequate we request details of the improvement plans for the LSCB and regular updates on progress to Scrutiny.
3. That the City Mayor appoints as soon as possible an Assistant Mayor with responsibility for children services as required by the Children's Act 2004'
4. That arrangements for regular reporting of performance of Children's services to the City Mayor and Lead Member for Children are published as soon as possible.
5. That proper risk assessments are undertaken of sensitive reviews and that the ownership of these risks rests with the COO and the City Mayor. Particular concern should be paid to changing too many things at once in any service area.
6. That HR, Audit and Finance operations are reviewed so that they can help more to 'flag up' significant changes that could present a risk.
7. That HR systems be changed to flag up to the COO and politicians any staff concerns/grievances that might indicate underlying problems in the service and it's management.
8. The Council should adopt a policy on the use of interim staff, including their length of, tenure particularly at a senior level.

9. That the City Mayor undertakes to ensure that requests from Scrutiny for information and reports are responded to in a timely way. Further that the City Mayor implements a system for escalating the failure to provide such information and sets a timescale for its operation.
10. That rules are changed to allow for the appropriate member oversight of service reviews in Scrutiny Commissions.
11. That a task group of CYPS scrutiny be formed immediately to consider all these issues in more detail.
12. That Members undertake regular and open discussions about the service with front line workers and managers, to promote understanding and openness. This is an opportunity for staff to comment on what is going well, what is not and what they think should be done. It is not an opportunity for staff to air individual grievances.
13. After the election the CYPS Scrutiny Commission receives regular monthly reports on performance, including a risk analysis of all aspects of the departments work including the performance of schools. This needs to be presented in a way that provides an understanding of pressures on service areas.
14. In the light of Ofsted's comments about the "corporate failure of leadership" and that both Safeguarding Boards share the same chair, the council commissions an independent review of Adult Social care, which will include: Reviewing whistleblowing and openness, and appropriate regular reporting of performance data to scrutiny.
15. That a permanent director of Adult Social care be appointed as soon as possible, to avoid the 18 month interim situation in Children's services.
16. That the Council work to comply with the Munro report recommendations fully and that the Council urgently seek to appoint a principal senior social worker, and put in place mitigating systems in the intervening period before such an appointment

Cllr Mohammed Dawood  
Chair  
Overview Select Committee

