

**Minutes of the meeting of Cabinet held at The Council Chamber -
The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on
Thursday 12 April 2018 at 2.00 pm**

Present: Councillor JG Lester (Chairman)
Councillor NE Shaw (Vice-Chairman)

Councillors H Bramer (*until 4:46pm*), BA Durkin, DG Harlow, PD Price, P Rone
and EJ Swinglehurst

Cabinet support members in attendance Councillors AW Johnson, JF Johnson and RJ Phillips

Group leaders in attendance Councillors RI Matthews and EPJ Harvey

Scrutiny chairmen in attendance Councillors WLS Bowen

Officers in attendance: Alistair Neill, Geoff Hughes, Chris Baird, Andrew Lovegrove, Annie Brookes, Stephen Vickers and Karen Wright

106. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

107. DECLARATIONS OF INTEREST

None.

108. MINUTES

Resolved: That the minutes of the meeting held on 15 March 2018 be approved as a correct record and signed by the Chairman.

109. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 10)

Questions received and responses given are attached as appendix 1 to the minutes.

110. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)

Questions received and responses given are attached as appendix 2 to the minutes.

111. HEREFORDSHIRE SAFEGUARDING ADULTS BOARD ANNUAL REPORT 2016/17

The chair of Herefordshire's Safeguarding Adults Board presented the annual report for 2016/17. It was noted availability of the chair taken with capacity on cabinet agendas

had led to this report being presented later than intended. The information in the report was therefore historical but presented an opportunity to reflect on practice and progress.

The chair of the board noted that adults safeguarding had historically had a lower profile than safeguarding of children but that this was an important area of work, protecting not only elderly adults but also adults with other care and support needs, such as learning difficulties, who were unable to protect themselves.

The collective responsibility for safeguarding was emphasised, along with the specific responsibilities of the council. The role of partner agencies was noted. For example the proactive extension of fire safety checks by Hereford and Worcester Fire and Rescue Service to include other areas such as preventing trips and falls.

The potential direct and indirect consequences of safeguarding failures were noted, for example where vulnerable adults were victims of scams and lost substantial sums of money this could impact on their ability to fund their own care needs and resulted in greater reliance on the system. It was recognised that there had been a shift for social care staff in working with individuals rather than doing things to them, and in acknowledging that individuals might choose to live in risky circumstances.

It was noted that performance information was still largely predicated on information provided by the council. It was a struggle to get information from the police services and health services, partly reflecting the way data was recorded and lack of national policy in some areas. Work was continuing with these key partners to improve recording of information.

Cabinet members raised a number of queries regarding the report and work of the safeguarding adults' board. It was noted that:

- the performance sub-group of the board was considering what further information was needed and how to better gather information from partners;
- it was difficult to compare performance in Herefordshire with other areas due to inconsistencies in how performance was recorded;
- there was some concern about the impact of the takeover of the fire and rescue service by the police and crime commissioner on safeguarding work, it was an ongoing dialogue to raise awareness of adults safeguarding across all government departments and with the PCC's office;
- despite good attendance from key partners there was ongoing work with some board members to consider alternative reporting arrangements where physical attendance was difficult;
- it was acknowledged that the budget supporting the safeguarding boards business unit was getting tight but dialogues around this were already under way, if there was a need to commission a case review this would be a one off spend but could be quite expensive and hard to predict;
- the workforce competency framework formed part of the commissioning framework for partner agencies, there had been feedback that it was a robust document but long and detailed, work was under way to try and make the document easier to use for front line supervision.

Group leaders were invited to present the views of their groups. Views expressed included:

- concerns regarding deprivation of liberty cases, which were a national issue and which had been recorded on the corporate risk register of the council since 2014;
- concerns that it could become more difficult to ensure safeguarding where increased numbers of residents were receiving care in their own homes rather than in institutions; and
- that there should be follow up to preventative work to judge its effectiveness.

Further clarification was provided that:

- the extended checks provided by the fire service were a 12 month pilot and some end of pilot follow up visits would take place to assess how effective they had been and how to take the scheme forward; and
- deprivation of liberty was a complex area of work and recognised as an issue nationally, the sub group to the board reported regularly on this issue.

The 2016/17 annual report of Herefordshire Safeguarding Adults Board was noted.

112. HEREFORDSHIRE SAFEGUARDING CHILDREN BOARD (HSCB) ANNUAL REPORT 2016/17

The chair of Herefordshire Safeguarding Children Board presented the report. She explained that the role of chair included meeting regularly with key leaders across partner organisations, providing challenge and looking for ways that partners could work together. The annual report included an assessment of the effectiveness of child safeguarding in the area and noted that 1 serious case review had been published during the year 2016-17. The HSCB had focussed on 4 key areas during the year covered by the report: child sexual exploitation and missing children, the child's journey through the child protection process, childhood neglect and early help. The chair of the board summarised the work carried out under these headings and progress achieved.

The usual activity had been carried out on child exploitation to deliver on the action plan objectives. There had been a general reduction in missing children although concern remained about home schooled children. There was concern that the police did not have enough resources to search out all cases of exploitation.

There had been improvement in the child's journey through the child protection process. This had been recognised in the recent peer review. However historic poor threshold management had led to some organisations making referrals without exploring other options and resources first. Now that the thresholds had been reinforced a fairly high proportion of referrals were not generating further action. Work was taking place to push back on organisations making inappropriate referrals. The number of children subject to a child protection plan had been higher in 2016-17 than would be expected given Herefordshire's population and profile. A lot of work had been done by the children's wellbeing directorate and as a result the number of children on protection plans had reduced. The number of looked after children had also been comparatively high and again work to reduce numbers was showing a positive effect.

Work on responding to child neglect had begun in 2016-17 and continued with a much sharper focus in 2017-18. It was noted that more than 50% of children on a child protection plan were due to neglect but that there was not always a consistency of reasoning in these plans. One of the difficulties of dealing with cases of neglect was that there was often no single precipitating event. The single serious case review concluded in 2016-17 had related to a family with multiple children, some of whom had disabilities, and who were of a minority ethnic background. There were concerns that abuse and neglect had not been identified or responded to as would be expected. Learning from the review had highlighted a need to do more work to understand the cultural context in such cases.

The peer review had noted some improvement in and improved understanding of early help. However the chair of the board reported there was still some way to go and the peer review had identified areas for further development. The chair of the board believe that some investment would be required in this area of work.

The conclusion of the annual report on 2016-17 was that the evidence available showed an improving trajectory in Herefordshire. The changing statutory context going forward would see the police and health services elevated to equal status partners with the council and there would be more demands on them as a consequence. The peer review had outlined areas for improvement and the priorities for 2018-19 were expected to be largely the same as in 2016-17, with some shift from child sexual exploitation to exploitation of children more generally.

Cabinet members raised a number of questions on the report. It was confirmed in response that:

- record keeping and a lack of analytical capacity of the police and other partners was an area of concern;
- the relaunched multi-agency safeguarding hub (MASH) was performing much better and delivering greater consistency;
- recruiting and retaining good social workers was a challenge across the country, Herefordshire had done some good work on recruitment generally but it was still difficult to recruit experienced social workers;
- the director for children's wellbeing noted the recent positive local government peer review that highlighted a number of areas of good practice, but also that caseloads were too high in some teams at the moment, cabinet was supporting work to address this and the focus was to ensure good quality, consistent casework;
- an Ofsted inspection should be expected within the year given that it had been some time since the previous inspection, there was no reason to believe that Herefordshire would fail an inspection but the board recognised that there were still areas for improvement;
- partner agencies generally worked together well, there was a good level of attendance at board meetings and support for sub groups from the relevant agencies, the performance of board members was reviewed every year and part of this review was to challenge them on how they fed back into their respective agencies;
- the chair of the board would support making attendance at training on child exploitation compulsory for taxi licence applicants both for first issue and for subsequent renewals.

Group leaders were invited to give the views of their group. There was support for the improved guidance on neglect which many councillors who were school governors were drawing on. There was also concern regarding safeguarding of children in home education. There was a request for the safeguarding board to have input to the scrutiny committee ahead of the planned task and finish group and a suggestion that the council should learn from work done by award winning authorities such as Hertfordshire.

The 2016-17 annual report of the Herefordshire Safeguarding Children Board was noted.

The meeting was adjourned at 15:56 and resumed at 16:04.

113. CORPORATE DELIVERY PLAN 2018/19

The cabinet member, finance and corporate services introduced the item. The 2018-19 corporate delivery plan was aligned to the four corporate priorities of the council and was the third of four delivery plans in the current corporate plan cycle. The delivery plan set out the projects to be undertaken and measures to be used to judge progress, grouped under areas of activity. Some of the targets were still to be finalised as they relied on yearend figures from 2017-18 which were not yet available. It was noted that cabinet

would receive quarterly performance reports through the year and that the targets in the plan would feed into directorate, team and individual plans.

In discussion of the proposed plan it was noted that:

- provision for the pay settlement had been made and final confirmation was awaited from finance that the reserves in departmental budgets and the overall budget were adequate to meet increased staff costs;
- good progress had been made in developing a relationship with NMiTE the university had met all the milestones set by the department for education and drawn down three tranches of funding, the general scrutiny committee had recommended that the audit and governance committee review the arrangements for council oversight and this was being arranged.

Group leaders were invited to give the views of their group. Concern was expressed that the measures used did not tally with all of the things that group leaders felt should be measured. The view was also expressed that it was premature to agree objectives before the previous yearend figures were known.

Resolved that:

- a) the draft corporate delivery plan 2018/19 at Appendix 1 be approved; and**
- b) the assistant director environment and place be authorised to make presentational changes to the approved corporate delivery plan 2018/19 prior to publication, following consultation with the cabinet member finance and corporate services.**

114. CONSTRUCTION AND FACILITIES MANAGEMENT SERVICES TO HEREFORDSHIRE COUNCIL

The cabinet member contracts and assets introduced the item. The main points noted were:

- the figure in recommendation (b) represented an upper limit which was required for procurement purposes, the detail of the expected spend was set out in the report and there was scope to undertake additional work as part of the contract if the council chose to do so;
- the procurement process would be a combination of frameworks.

Group leaders invited to give the views of their group. It was stated that:

- appropriate break clauses should be included in the contract;
- there should be a clear distinction between maintenance work and development work.

It was clarified that whilst provision would be made in the contract for an option to extend the contract by one year to mitigate any risk of subsequent contracts not being ready to proceed at the appropriate time, any exercise of that contractual option would be subject to further governance.

Resolved that:

- (a) an amalgamated property maintenance and cleansing service be procured for a one year period from 1 September 2018 – 31 August 2019; and**
- (b) the chief finance officer be authorised, following consultation with the cabinet member contracts and assets, to award a contract to the successful provider following tender evaluation, with a contract value of up to £12m.**

115. PROPOSED REDESIGN OF THE ALLOCATIONS ARRANGEMENTS FOR HEREFORDSHIRE

The cabinet member health and wellbeing introduced the item. The head of strategic housing and wellbeing commissioning and the strategic housing team leader spoke to the report.

The main points noted were:

- that the council had a range of statutory duties relating to housing but did not own any housing stock of its own;
- providers operating in the county were not prepared to continue with the existing allocation system and the council had no power to force a system on them;
- Herefordshire was one of the first, but not the only, council to make significant changes to its housing allocations system;
- changes to the system would not go live until fully tested with an expected implementation in autumn 2018;
- under the new system users would have the choice to go on the housing register and/or register directly with the individual providers;
- the council would make referrals from its housing register to the three largest providers in the county – with around 80% of the total housing stock – through a single system called homehunt while smaller providers would receive direct nominations;
- the new arrangements would include automatic transfer of data, all parties would work to a detailed agreement on data protection and data handling;
- while there was a measure of complexity in the new arrangements, the existing homepoint system was also quite complex;
- a no wrong door approach would be put in place to assist users and the council would monitor the performance of the new system overall;
- the IT systems behind the new allocation arrangements would be important and the council was seeking to revise and upgrade systems, a recent procurement exercise had resulted in no contract being offered as none of the bids were considered satisfactory but work was continuing to seek a suitable system;
- providers were content that homepoint continue until the new system was ready but did want the new system in place as soon as possible;
- the council was working closely with partners and a working group of communications officers from all the organisations involved to develop a communications strategy for the launch of the new system;
- there was no requirement for alignment in policies between English and Welsh authorities but discussions with neighbouring Welsh councils had proved useful in the past and could be renewed, it was noted that generally social providers based in Wales had not expanded into English border areas;
- social rent was generally fixed below affordable rent which was set below market rate, however in practical terms in most schemes there was little difference between social rent and affordable rent;
- social housing could only be operated by a registered provider and increasingly providers were focussing on commercial risk, leading in some cases to being unable to provide social housing on rural developments as no provider was willing to take them on.

Group leaders were invited to give the views of their group. It was confirmed that written answers would be provided to questions submitted prior to the meeting. Views expressed set out that:

- there was surprise that providers could not be required to comply with the council allocations policy;

- there was disappointment that the council was moving away from an integrated system;
- there was concern that the timescale for commissioning the software needed was ambitious and a view that the commercial sector did have systems which might be relevant;
- a unified point of contact seemed sensible but there was recognition that the homepoint system had not worked;
- procurement of the new IT system was the biggest risk;
- training and informing the public was very important.

In light of the difficulties in procuring a new IT system it was agreed that the recommendation be amended to remove reference to a specific date for implementation. Instead it was recommended that the new system be implemented at the earliest opportunity.

Resolved that:

- (a) the following new arrangements for allocating social housing be approved for implementation at the earliest opportunity within the existing budget:**
- **the closure of the Home Point system and brand**
 - **the separation of the housing register from the advertising of properties and the management of bidding and the discharge of the council's duty to nominate people and monitor allocations through multiple arrangements, including automatic data transfer.**

116. REVISION OF THE ALLOCATIONS POLICY FOR HEREFORDSHIRE

The cabinet member health and wellbeing introduced the item and noted that it was a natural follow on from approval of the new housing allocations system that had been discussed in the previous item.

It was noted that the proposed new policy was a revision of the 2016 policy that had not been implemented because of feedback from housing providers. The main changes from the previous policy were:

- reflection of statutory requirements under the Homelessness Reduction Act 2017;
- a tightening of local connection requirements in line with government guidance;
- broader application of reasonable preference categories to disabled applicants and those with mental health needs;
- changes around overcrowding and shared accommodation;
- introduction of exclusions from the register for unacceptable behaviour and/or housing debt;
- extension of waiver of local connection for military personnel to ex-partners and ex-spouses; and
- some other procedural changes.

It was noted that unusually the document was required to cover both the policy and procedural details. It was explained that there were some differences in the exclusions policies of the council and the providers. Providers had an obligation broadly to support the council in its housing duties but did have the freedom to set their own exclusions policies. Dialogue was ongoing with providers on some of the harsher exclusions to bring their policies closer to the council policy.

It was clarified that where social or affordable housing was provided under a section 106 agreement which stipulated a certain definition for local connection such as within the

parish this would continue to be followed. If there was no such stipulation in the agreement then the standard local connection criteria in the policy would be applied.

Group leaders were invited to give the views of their group. It was stated that:

- there was concern over the divergence of the council policy and policies of individual housing providers;
- it was important to make the process as simple as possible.

It was agreed that in line with the previous item on the allocations arrangements the recommendation be amended to remove reference to a specific date for implementation. The policy would instead be brought in at the earliest opportunity, to coincide with the implementation of the new IT system.

Resolved that:

- (a) the Allocations Policy for Herefordshire at appendix 1 be approved for implementation at the earliest opportunity.**

The meeting ended at 5.16 pm

Chairman

PUBLIC QUESTIONS TO CABINET – 12 April 2018

Question 1

Mr P Eyles, Hereford

To: cabinet member, infrastructure

Under current plans councillors will only be told the number of houses affected by the bypass after a route is chosen. This must be wrong. May councillors now be told how many houses lie within 300 metres of all the potential routes, before they take a decision, in order to permit a fair and informed selection? Otherwise, would an Inspector not consider the decision process to be flawed?

Response

The published corridor assessment framework included figures for each route corridor for the number of houses which would be directly affected through demolition.

Further detailed assessment continues in line with national guidance. This includes assessment of the direct impact on homes as well as impacts such as noise and air quality on other properties that will not be directly impacted by a bypass route but are adjacent to each route and this will inform a decision on the route.

COUNCILLORS QUESTIONS TO CABINET – 12 April 2018Question 1

Councillor RI Matthews

In a recent Family Court Case brought against Herefordshire Council, the Hon Mr Justice Keehan stated ‘ I have never before encountered two cases where a local authority has so seriously and serially failed to address the needs of the children in its care and so seriously misused, indeed abused, the provisions of Section 20 of the Children’s Act 1989.’

What action is being taken to address this issue?

Response

Herefordshire Council has received a judgment from the Family Court, which highlights specific past failures in the application of section 20 of The Children Act 1989 (which applies to looked after children and their parents). Section 20 refers to a voluntary agreement between those with parental responsibility and the council, for the council to look after the child. If there is not a voluntary agreement in place children can become looked after through a court order. We regret these past failings in relation to the use of section 20 and, prior to the judgement being received, we had changed our practice to reduce the likelihood of similar cases occurring in future.

Herefordshire Council continues to work to keep children in Herefordshire safe and give them the best start in life. The actions taken now ensure that all requests for children coming into care are presented to a legal gateway meeting, every agreement to voluntary care must be reviewed by a member of the legal team within 28 days, social workers must consider the capacity of individuals with parental responsibility when seeking informed consent for an action, and this capacity must be assessed by independent reviewing officers.

It is important to note that in his judgement Mr Justice Keehan praises the care the two children have received from Herefordshire Council foster carers. He stated that “None of the criticisms in this judgment should be read as referring to or reflecting upon either of these foster carers. I have nothing but admiration for the stable and nurturing care they have given to both boys” Mr Justice Keehan acknowledged the changes we have already made to reduce the likelihood of similar cases in future and was very positive about the current approach in Herefordshire. A recent court judgement praised Herefordshire for its appropriate use of section 20 and the work of our social workers.

At its meeting on 16 April, the Children and Young People's Scrutiny Committee will be considering the establishment of a cross party task and finish group to look at our use of Section 20 orders, and review the processes we now have in place to ensure their appropriate use. I very much welcome this step and look forward to receiving the report of their findings.

Supplementary question

It can be taken as read that every local authority in the country will have been made aware of this court case and whenever it is referred to in the future Herefordshire Council will be remembered as the guilty party so it is essential we put things right. Can you tell us what the total financial cost will be to taxpayers in respect of legal and staff cost incurred in conducting this case?

Response

We are not in a position to give a figure at this stage. It is my understanding that historically other authorities have used section 20 orders in a similar way to Herefordshire, so it is not a question of highlighting Herefordshire as being the only one to have used these procedures in this way. The matter has evolved so we have learned from the issues we have had to face and hope that other authorities will also learn and implement changes as swiftly as we have done.