

Title of report: Work programme review and tracking of recommendations

Meeting: Adults and Wellbeing Scrutiny Committee

Meeting date: Monday 1 November 2021

Report by: Democratic Services Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To review progress against previous recommendation, review the work programme for 2021/22 and agree any necessary updates.

Recommendation(s)

That the Committee:

- a) Notes the updated recommendation tracker in appendix 1;
- b) Reviews the work programme at appendix 2 and discusses any additional items of business or topics for inclusion in the work programme.

Alternative options

- a) It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources. The Committee needs to develop a manageable work programme to ensure that scrutiny is focused, effective and

produces clear outcomes. Topics selected on the work programme should reflect issues of current importance facing adults and wellbeing services at Herefordshire Council.

Key considerations

Tracking of resolutions made by the committee which require a response or action

- b) A schedule of recommendations previously made by the committee which require a response or action is appended to this report as appendix 1.
- c) Key changes since the last meeting include the following recommendations on Out of Hospital Care and Continuing Healthcare (CHC)
 - i. that the Council and CCG work together to provide a more substantive report to the committee at a time when a greater level of detail on progress can be reported.
 - ii. that those recommendations previously agreed by scrutiny from 2018 and 2020, and identified in the report, are properly considered by relevant bodies and responses provided.
 - iii. that detail concerning the number and age of outstanding CHC dispute cases in Herefordshire are provided to the committee.
 - iv. that an update on the status of the NHS England review into CHC eligibility is provided to the committee

Forward Plan

- d) The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. Forthcoming decisions of the children and families directorate will be highlighted by the clerk to the committee as part of the work programming item at each committee meeting.

Suggestion for scrutiny from members of the public

- e) Suggestions for scrutiny are invited from members of the public through the council's website, accessible through the link below. There have been no suggestions for scrutiny received from members of the public since the previous meeting of the committee.

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/4

Work Programme

- f) The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in. The work programme will be reviewed at each meeting of the committee and may be amended as required.
- g) The latest agreed work programme for 2021-2022 is attached at appendix 2.
- h) Should committee members become aware of any issue they think should be considered by the committee they are invited to discuss the matter with the Chairperson, Vice Chairperson and the Statutory Scrutiny Officer.

Budget setting 2022/23

- i) The Committee are asked to note that included as part of the new scrutiny arrangements that are being proposed is a change to the way in which the 2022/23 budget will be scrutinised. Council considered the proposals on these future scrutiny arrangements at its meeting on 8 October 2021 and welcomed opportunities for joint scrutiny activity rather than each committee reviewing proposals separately. It is yet to be confirmed whether time constraints will allow this to take place in January or whether usual practice will continue and the changes will be implemented for the new municipal year.

Constitutional Matters

Task and Finish Groups

- j) A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances but the review is likely to be attended by all members of the committee and chaired by the chairperson.
- k) The scrutiny committee will approve the scope of the activity to be undertaken by a task and finish group, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. The committee will appoint the chairperson of a task and finish group.
- l) The committee is asked to determine matters relating to the convening of a task and finish group including the scope of the review to be undertaken, the chairperson, membership, timeframe, desired outcomes, what will not be included in the review and whether to co-opt any non-voting members to the group. Such co-optees could consist of individuals with valuable skills and experience that would assist a task and finish group to undertake a review (see co-option below).
- m) At the meeting on 6 September a scoping statement for a task and finish group on the health impact of the intensive poultry industry was agreed by the Committee. The document has been circulated to all members of the Council, via the group leaders, to seek volunteers for the group and final membership will be confirmed at the committee meeting on 1 November 2021
- n) A task and finish group on GP Access had been suggested but to date this has not been progressed. The Committee are asked to consider whether this is something they still want to undertake and whether this is the right approach to achieve desired outcomes. In advance of a decision on this, further information could be supplied to the Committee on the current situation regarding access to primary care services and how Scrutiny can best lend their weight to influence outcomes.

Co-option

- o) A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed work programme and/or task and finish group membership.
- p) The committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Community impact

- q) In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

- r) Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

- s) Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- t) The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report concerns the administrative function of the children and young people scrutiny committee, it is unlikely that it will have an impact on our equality duty.

Resource implications

- u) The costs of the work of the committee will have to be met within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
- v) The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.

Legal implications

- w) The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
- x) The Scrutiny Rules in Part 4 Section 5 of the Council's Constitution provide for the setting of a work programme, the reporting of recommendations to the Executive and the establishment of task and finish groups, as below.
- y) Paragraph 4.5.28 of the constitution explains that the scrutiny committee is responsible for setting its own work programme. In setting its work programme a scrutiny committee shall have regard to the resources (including officer time) available.
- z) Under section 4.5.10 of the Constitution a scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances. The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.
- aa) Under section 4.5.19 of the constitution task and finish groups will report their findings/outcomes/recommendations to the relevant scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

bb) The work programme is reviewed at every committee meeting. Additional formal or informal work programming sessions may be arranged as necessary during the year. The work programme may also be reviewed during business planning meetings between the chairperson, vice-chairperson and statutory scrutiny officer.

Appendices

Appendix 1 – Recommendation tracker
Appendix 2 – Work Programme 2021/22

Background papers

None identified