

Progress Report

Meeting: Children and Young People Scrutiny Committee

Meeting date: 13th December 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report provides a brief summary update on issues previously considered by the committee, including responses to information requests made by the committee, updates on resolutions made by the committee, including reports and recommendations to the executive and the Executive Response and executive decision made in respect of scrutiny reports and recommendations.

Recommendation(s)

- i). That the progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee be noted.
- ii). That those information requests where a response has been received be agreed as completed and request that any other outstanding items be requested for the next meeting.

Alternative options

The alternative is for the committee not to receive a Progress Report to update on matters since the last meeting, which would provide less clarity and transparency on the progress of issues since the last meeting.

Key considerations

- a) Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Cabinet has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
- b) In tracking scrutiny recommendations, it is important that it is clear that the recommendations are addressed to the Cabinet, as the Executive decision making body of the council (or, where appropriate, external agency), and to track the decision of the Cabinet and thereafter the implementation status of the Executive Response and Cabinet decisions.
- c) Scrutiny committees also have the power to request information from council departments and certain other external organisations, from who they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by. Scrutiny committees may therefore wish to keep track of information requested at the previous meeting and for this to be received at the next ordinary meeting of the committee.

Scrutiny Committees at Herefordshire

- 1. The council has five scrutiny committees, established by full Council on 20 May 2022;
 - i). Scrutiny Management Board
 - ii). Environment & Sustainability Scrutiny Committee
 - iii) Connected Communities Scrutiny Committee
 - iv).Children & Young People Scrutiny Committee
 - v). Health, Care & Wellbeing Scrutiny Committee.
- 2. The general role of the scrutiny committees is set out in Article 6 – Scrutiny of the Herefordshire Council Constitution, in accordance with the Local Government Act 2000. Part 3, Section 4 of the Constitution sets out the specific remits for each of the scrutiny committees. This includes a strategic management and coordination functions for the Scrutiny Management Board, as well as the thematic remits of the four other scrutiny committees. The Scrutiny Management Board is also responsible for the scrutiny of corporate cross cutting functions of the council.
- 3. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to Cabinet, as appropriate, and Cabinet has a statutory duty to respond to scrutiny recommendations. The scrutiny committees may also make reports and recommendations to external decision making bodies.

Progress from the Previous Meeting

Inspection of Herefordshire Children's Services

4. At the last meeting on 11 October 2022 the committee considered the findings of the Ofsted Inspection of Herefordshire Children's Services. With oral evidence from Councillor David Hitchiner – The Leader of the Council, Councillor Diana Toynbee – Cabinet Member for Children and Families, Paul Walker – The Chief Executive, Darryl Freeman - Corporate Director, Children and Young People / Chair of the MASH, and Phil Bullingham - Service Director, Safeguarding, QA and Improvement.
5. The committee also considered a report from the Corporate Director, Children and Young People to present the recently published report detailing the findings of the inspection by Ofsted inspectors of Herefordshire Council children's services in July 2022 and to outline both the action taken immediately and since the inspection to address some of the concerns raised, and the implications of the Statutory Direction issued by the Secretary of State.
6. The committee questioned the Cabinet Member and chief officers on key themes and issues arising from the Ofsted inspection report;-
 - i). Leadership
 - ii). Corporate responsibility
 - iii). MASH - multi-agency response
 - iv). Support services
 - v). Performance and quality assurance
 - vi). Monitoring and tracking
 - vii). Voice of Children and Families.
 - viii). Quality of practice
 - ix). Management
 - x). Workforce
 - xi). The Human Rights Act
 - xii). Scrutiny
7. At the end of the session, the committee resolved that the Committee Work Plan be reviewed at the next meeting to ensure that the work of the Committee is focused on the main areas for improvement in children's services as evidenced by the Ofsted report and the renewed improvement plan. Members of the committee have met informally to review the work plan and a revised work plan is included in the agenda for agreement at the committee meeting on 13th December 2022.
8. The committee also made the following information requests:
 - (a) A copy of the Children and Young People directorate Risk Register;
 - (b) Clarification from the Monitoring Officer regarding what access social workers have to expert legal advice to embed quality in social work practice; and
 - (c) A workforce profile for Herefordshire to benchmark against other local authorities the level of staff churn and the proportion of permanent and interim staff working in social care.
9. This information has been requested from the Children's Services department to be provided to the committee. The response from the Monitoring Officer as been included in the Information Requests tracker table at Appendix 1.

Progress Report

10. At the last meeting, on 11 October 2022, the committee received a Progress Report which provided a brief summary update on issues previously considered, including for the period 2021-2023. Upon reviewing the progress of actions, information requests, recommendations and suggestions, the committee noted the progress on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee and resolved that those information requests where a response has been received be agreed as completed.
11. The Children and Young People Scrutiny Committee Information Tracking Report 2022-23 attached at Appendix 1 to this Progress Report provides the information requested and pending responses for the 2022-2023 municipal year.

Children and Young People Scrutiny Committee Annual Work Plan 2022-2023

12. At the last meeting the committee agreed to review its work plan for the rest of the municipal year to ensure that it is refocused on the Ofsted Improvement Plan and it has been reviewed and an updated version include for consideration by the committee on its agenda for 13th December 2022.
13. The Committee may now wish to review its Work Plan for the remainder of the municipal year and in response to the Ofsted Inspection of Children's Services to consider how it should prioritise its time and responses.

Previous Requests for Information and Response

14. Attached to the minutes of previous meetings there was an "Action Log" and a "Recommendations Tracker" table to track the progress of information requested by the committee, recommendations made and other actions arising from previous committee resolutions.
15. These requests have been brought together into one table and categorised according to whether they are information requests, recommendations, suggestions or committee actions, attached at Appendix 1: Children and Young People Scrutiny Committee Resolution Progress Report 2021-22. This table also identifies whether these have been completed.
16. A response to outstanding information requests has been requested to be presented to the committee either at its meeting on 11th October or at the next meeting thereafter to bring this table up to date. It is suggested that the committee agree those items where a response has been received as completed and request that any other outstanding items be requested for the next meeting. Thereafter the committee should discontinue tracking historic requests and recommendations and should focus on receiving information requested for current scrutiny inquiries and the progress of any recommendations made to the Executive (Cabinet or Cabinet Member), including obtaining an Executive Response and executive decisions on any actions agreed to be taken by the Executive in respect of scrutiny recommendations made.

Scrutiny Recommendations and Executive Response

17. In accordance with Part 4 Section 5 of the Herefordshire Council Constitution, the council's scrutiny committees may make recommendations to the full Council or the Cabinet with respect to any functions which are the responsibility of the executive or of any functions which are not the responsibility of the executive, or on matters which affect the borough or its inhabitants. The Children and Young People Scrutiny Committee may also make recommendations to the relevant NHS bodies or relevant health service providers or full Council.
18. Scrutiny committees may not make executive decisions and scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; usually the Cabinet, but also full Council for policy and budgetary decisions and the NHS where it is the decision maker.
19. The Scrutiny Recommendation Tracker table will provide a summary of scrutiny recommendations made during the municipal year, so that the scrutiny committee can track the progress of the recommendations made.
20. The Scrutiny Recommendation Tracker table includes each scrutiny recommendation made and the date it was made, (which will be as is recorded in the committee minutes), identification of the decision maker (e.g. Cabinet), the Executive Response (the actual Cabinet decision), which may be different from the scrutiny recommendation and which will be minuted in the Cabinet minutes, the date the Executive Response/decision was made and an implementation review date.
21. The Scrutiny Recommendation Tracker enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and ask about any outcomes arising from the scrutiny recommendations, for example, service improvements, value for money savings and outcomes for residents.
22. If the relevant respective executive decisions and actions have been implemented, they will not be referred over to the scrutiny recommendation tracker report for the next municipal year, but that any that have not been implemented may be referred to the scrutiny recommendation tracker for the next committee cycle.

Procedure for Recommendations from Scrutiny Committees

23. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the council's Forward Plan. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
24. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.

25. Where scrutiny committees have powers under their terms of reference to make reports or recommendations external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
26. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

27. In accordance with the adopted code of corporate governance, the 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

28. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal environmental impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Equality Duty

29. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
30. 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.
31. 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. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal equalities impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Resource Implications

32. The costs of the work of the committee will have to be met from existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.

33. 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

34. 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.
35. 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 Cabinet and the establishment of task and finish groups within the committee's agreed work programme.
36. There are no specific legal implications arising from this report which provides a progress update on recommendations made to Cabinet and subsequent Cabinet decision. Any legal implications arising from Cabinet Decisions will be detailed in the relevant Cabinet report.

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

The Chair of the Children and Young People Committee.

Appendices

Appendix 1: Children and Young People Scrutiny Committee Information Requests Tracking Report 2022-23

Background papers

None identified.