

CORPORATE SERVICES SCRUTINY COMMITTEE

22 September 2016

Present:-

Councillors J Brazil (Chairman), K Ball, A Boyd, P Colthorpe (Vice-Chair), M Edmunds, R Hosking, R Julian, J Knight, J Owen, R Rowe, R Westlake and J Yabsley

Apologies:-

Councillors J Berry and G Gribble

Members attending in accordance with Standing Order 25

Councillor J Clatworthy

* 10

Minutes

RESOLVED that the minutes of the meeting held on 27 June 2016 be signed as a correct record.

* 11

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 12

Public Participation

There were no oral representations from Members of the Public.

* 13

Income Generation Task Group Final Report

The Committee considered the Final Report of the Income Generation Scrutiny Task Group, (CS/16/28), comprising of Councillors Chugg, Colthorpe, Gilbert (Chairman), Greenslade, Hosking and Julian, which investigated how the County Council could generate income, in order to safeguard council services, in light of the impacts of large reductions in central government funding which has forced Councils to make severe budget cuts and review how services were provided, often by either reducing or ceasing to deliver some services altogether.

This joint Task Group looked at how the Council currently generated income such as the ability to charge for non-statutory services, joint venture contracts (for example, Virgin Care, Babcock, Devon Norse and NPS SW), in house services such as ICT and internal audit which were also trading with schools and other local authorities and capital income from the Estates Strategy and the sale of assets.

The Task Group also examined three Council services which were generating income to evaluate the reasons for that success and whether this could be built on, expanded or rolled out wider across the Council. These were ScoMIS ICT Services, Trading Standards and Asset Management. The Task Group also looked at what other Local Authorities were doing and the potential for further income generation ideas such as Solar energy production, Residential Development on County Farms and charging schools to convert to academy status (noting the risks and challenges associated with each of these).

In summary, the Council needed to develop a strategic approach to income generation, taking measured risks, maximising capital receipts and in the long term, fully realising the potential of its assets, while remaining conscious of and staying true to its core business and purpose.

The three recommendations of the task group, with detailed information on how they might be achieved were outlined in full at page two of the report.

The Chairman of the Task Group highlighted that the report did not cover all areas of the Council where income was generated and stated it was good to reflect on some areas where there had been success.

In discussion Members asked the following questions and made the following comments:

- clarification of the next steps in the process and whether an action plan of the recommendations would be made available;
- that Members needed to be mindful of the community impact in relation to any sale or release of assets;
- that the new Council should not lose sight of the Task Group report and should aim to revisit it in the future; and
- the benefit of an officer group to look at the recommendations in detail, to ascertain what could be progressed immediately and some of the longer term suggestions, that would be subject to separate reviews and business cases, subject to Cabinet approval;

It was **MOVED** by Councillor Rowe, **SECONDED** by Councillor Brazil, and

RESOLVED that the recommendations of the Task Group be endorsed and forwarded to Cabinet for their consideration.

* **14** **Deprivation of Liberty Safeguards**

The Committee considered the report of the Head of Social Care Commissioning, which provided an update on the applications and authorisations for deprivation of liberty under Deprivation of Liberty Safeguard provisions and applications to the Court of Protection for authorisation where people were subject to deprivation of liberty while living in the community.

Ms S Mackereth (Principal Social Worker) and Mr T Kippax (Assistant Solicitor) presented the report outlining that the Deprivation of Liberty Safeguards were a set of checks that aimed to ensure that any care that restricted a person's liberty was both appropriate and in their best interests.

The background to this issue followed a Supreme Court Ruling re P v Cheshire West and Chester & P&Q v Surrey County Council [2014], where the Court found there was a deprivation of liberty for the purposes of Article 5 of the European Convention on Human Rights where a person was under continuous supervision, was not free to leave, and the person lacked capacity to consent to those arrangements. This was not the original understanding of the legislation and as such, following this, the Council (along with other Local Authorities) have received high levels of applications. From April 2014 to date, 6342 had been received (compared to 725 between April 2009 and March 2014).

The Committee noted there was significant risk and resource implications for the Council, including that fact that the DoLS service (in Adult Social Care) had 2894 applications waiting for assessment.

More recent case law (AJ v a Local Authority 2015) highlighted the requirement to make an application to the Court of Protection where a person was objecting to the deprivation. There were 23 cases compared to just 2 such cases 18 months ago.

The report outlined the current position with regard to both Deprivations of Liberty in Residential/Nursing care and Hospitals and also Deprivations of Liberty in the Community and also the risks to the Council, with any mitigating measures outlined.

New legislation was anticipated towards the end of the year, which was hoped to improve matters and be less onerous.

In discussion Members asked the following questions and made the comments on the use of the ADAS guidelines in prioritising high risk cases, clarification of the rise in the numbers of required assessments, the impact of additional training and qualifications required for staff and the frequency of challenge to the Councils decisions in assessments.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Ball, and

RESOLVED that the recommendations of the Adult Social Care Operational Service in terms of continuing the current staffing level in relation to the DoLS Service, assessing the potential for and impact of desktop process in light of ADASS guidance, continued training to increase the qualified Best Interest Assessor resource over a four-year period and a further report to the Scrutiny Committee following receipt and consideration of the forthcoming draft legislation, be endorsed and welcomed.

* **15** **Domestic Abuse Support Services**

The Committee received a presentation from the Director of Public Health on the Ending Domestic Violence and Sexual Abuse Strategy which included the background to the strategy, how it was produced, the change it sought to bring, how the Strategy would be delivered and evaluation.

In detail, the presentation outlined the challenging financial context in which organisations worked and also the growing demand for services, particularly in light of increasing inequalities, mental ill health, family breakdown and increasing domestic violence.

The aim was to establish a shared vision and coherence across a system, including a deep understanding of issues and experiences, meaningful and compassionate principles, collaborative relationships across systems and approaching commissioning and system development in a way that valued partnership and co-production.

This new vision was created by using an ethnographic research style, with a story telling approach to reveal the 'stark' truths of the nature of impacts of domestic and sexual violence and abuse.

The presentation outlined what was currently done, the policy and practice as well as the hopes for the future around prevention (including work in schools and the workplace), early help and intervention (making 'contacts' count), then support and protection and recovery and resilience (which included support for developing healthy relationships) as well as the draft accountability and governance arrangements that would support this.

In discussion Members asked the following questions and made the following comments:

- the importance of a partnership approach to this work and that all organisations were on Board;
- the role of perpetrators and the powerful position they sometimes hold within a family environment and the US model of 'Safer Together' where the research outcomes were being learnt from;
- the role of ADVA and what good practice had been taken from that partnership, including the role of IDVAA's and perpetrator programmes across Devon; and
- that prevention was key and that outcomes would be the measure of the Strategy's success.

It was **MOVED** by Councillor Brazil, **SECONDED** by Councillor Julian, and

RESOLVED

(a) that the broad principles of the Strategy, as outlined in the presentation, be endorsed; and

(b) that the Committee, in order to keep abreast of the delivery, receive a further report in due course, outlining the proposed Performance Management Framework and Governance Arrangements for the Strategy.

* **16** **Youth Service Externalisation (standing item)**

The Committee received a verbal report from the Head of Services for Communities on current progress with the externalisation of Devons' Youth Services.

The Committee noted that a report had been to Cabinet which reported the previous decision of the Cabinet to divest the youth service to an employee led public service mutual or other social enterprise, through a competitive procurement exercise. A further report outlined the outcome of the tender process.

The contract was for £1.7m, over three years and ownership of the organisation was based on employee ownership/participatory principles. Cabinet had resolved that the contract award be awarded to DYS Space Ltd, following the expiry of the mandatory standstill period

The Head of Service outlined the 6 outcomes of the Youth Service that would be anticipated, which included young people being safe from harm, neglect and exploitation, vulnerable young people having good life chances, disadvantaged young people having more opportunities and better outcome, young people being able to establish good relationships and connections, young people influencing the decisions that affect them and young people having good opportunities to participate in their community.

In discussion Members made comments on the successful youth service and provision in the Totnes area and also the Committees interest in the commissioning process, including future consideration of the successes and / or learnings from such procured services.

It was **MOVED** by Councillor Brazil, **SECONDED** by Councillor Rowe, and

RESOLVED that the update be welcomed and a further report be brought to the Committee in January 2017, which would include the outcomes framework and any associated measurements and indicators.

* **17** **Election of the Commissioning Liaison Member**

The Committee received a verbal report from the Scrutiny Officer.

Members noted that as part of the Commissioning Scrutiny Task Group recommendations, which were approved by the Committee in March and endorsed by Cabinet in April, it was agreed that, in order to strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services, each Scrutiny Committee would be asked to select a 'Commissioning Liaison Member', whose role will be to work closely with the relevant Cabinet Members and Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The full report could be seen at

<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Ball and

RESOLVED that Councillor Hosking undertake this role on behalf of the Corporate Services Scrutiny Committee.

* **18** **Scrutiny Work Programme**

(Councillor Hosking declared a personal interest in this matter by virtue of previously advising the Council on small holdings issues)

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Council/Cabinet Forward Plan.

RESOLVED that the work programme be agreed, with the following additions and actions outlined below and also those agreed at the meeting;

(a) that Councillors Ball, Colthorpe and Yabsley participate in the NPS 10 year review programme;

(b) that the Scrutiny Committee receive a report on the NPS 10 year review assessment of the Contract; and

(c) that Members review the report of the Cabinet Member for Engagement and Performance at Council on the Syrian Refugee situation and the actions of the Council and consider if they wish to review the matter further at a future meeting.

* **19** **Briefing Papers, Updates & Matters for Information**

Nil

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.56 pm