

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 13 December 2011.

PRESENT: Councillor Brunton (Chair), Councillors Dryden, Kerr, C Hobson, McIntyre, Purvis, Saunders, J Sharrocks (as substitute for Councillor J A Walker) and Williams.

OFFICERS: J Bennington, J Catron, P Clark, J Ord and T Parkinson.

****APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, Mawston, Sanderson and J A Walker.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item / Nature of Interest
Councillor Brunton	Personal/Non-Prejudicial	Agenda Item 5: Attainment in Schools in Middlesbrough Acklam Whin School – Chair of Governing Body Complementary Education Management Board – Chair Marton Manor School – Vice-Chair of Governing Body King's Academy and Acklam Grange – Member of Governing Body.

** MINUTES

The minutes of the meetings of the Overview and Scrutiny Board held on 15 and 22 November 2011 were submitted and approved as correct records.

EXECUTIVE MEMBERS – ATTENDANCE AT MEETINGS OF THE OVERVIEW AND SCRUTINY BOARD

In a report of the Senior Scrutiny Officer the Board was reminded of arrangements for individual Members of the Executive to attend meetings of the Overview and Scrutiny Board and update Members on their respective work in terms of their aims, aspirations, objectives, priorities and any emerging issues. The process was part of the arrangements of 'holding the Executive to account' and also provided the opportunity for the Board to identify or highlight any issues of concern.

NOTED AND APPROVED

MAYOR

The Senior Scrutiny Officer reported that owing to other urgent commitments in relation to the budget pressures facing the Council the Mayor had requested that his meeting with the Board be postponed.

An alternative date had been offered and Members would be advised accordingly once confirmed.

NOTED

ATTAINMENT IN SCHOOLS

Further to the meeting of the Board held on 15 November 2011 and as requested by Members the Deputy Director, Achievement submitted a report which summarised educational outcomes for Middlesbrough pupils in 2011 alongside the context and trends over three years.

As previously reported there had been a decrease in performance in 2011 in respect of the key indicator of 5A* - C with English and Maths with the Town's combined figure reaching 40.6% compared with 44% in 2010. Such a figure was considered to be particularly disappointing given the significant improvements which had been received in the previous year, an increase of 7%. In comparative terms Middlesbrough had been placed alongside the lowest performing Statistical Neighbour LA's of Knowsley (41%) and Barnsley (40%).

It was reported however that the Fisher Family Trust 'D' indicator showed 48% in 2011 thus missing the target by over 7%. The five year trend still reflected an upward trend in the area averaging 2% per year.

It was pointed out that Middlesbrough's outcomes for 5A* -C in 2011 had been more encouraging with 78% of all secondary pupils achieving this key measure an increase of 5% and resulting in the LA being placed above eight other Statistical Neighbours.

Reference was made to certain influencing factors on results such as that of the considerable upheaval in the secondary school sector both structural and as a result of amalgamations during 2010/2011.

In terms of future action the Board was advised that a round of school outcomes reviews had commenced in September 2011. The conclusion of the initial analysis made several recommendations for immediate implementation which had been developed into an action plan for sustainable improvements from 2012 onwards as outlined which included:-

- (a) A review of the leadership of core departments in all secondary schools (English and Maths) to gauge the relative strengths in such areas and to build a longer term plan to strengthen leadership to enable a sustainable approach to improvement could be established.
- (b) The development of the teaching of Maths at KS4 had been adopted as a priority.
- (c) A 'matrix' approach school to school improvement through collaboration had been devised so that a town-wide approach to Y11 teaching, coaching and revising for English/Maths could be implemented alongside measures to improve attendance.
- (d) It was suggested that the issue of Entry 'tiers' for GCSE English should be analysed at Subject Leader networks to ensure that students were not penalised for being entered at an inappropriate level.
- (e) An indication was given of measures to be pursued for effective tracking and intervention methods.
- (f) Following a launch in November 2011 establish literacy as a key transformational theme throughout the Council and the Town.
- (g) Focus on transition 'provision mapping' to ensure that, as far as possible, approaches to teaching and learning, data transfer and curriculum continuity were sufficiently aligned to ensure that pupils continued to make good progress from primary to secondary.

In terms of the primary sector at KS2, pupil outcomes in the key indicator of L4+ English and Maths results were 67% consolidating their three year trend of improvement.

Members sought clarification and discussed a number of areas for future consideration. Whilst the short term upheaval arising from Building Schools for the Future programme was acknowledged it was too early to determine the long term benefits including the impact on attainment.

In discussing the specific socio-economic factors of the Town reference was made to the Council's major drive which had been launched to improve links in schools and engage with communities.

An indication was given of current difficulties and attempts which were being made in order to secure improvements to the current school transitional arrangements.

Although further guidance was awaited from the Government with regard to the Education Bill Members commented on certain aspects of the legislation in particular changes to the arrangements for setting up new schools, and amending the Academies Act 2010 to make provision for 16 to 19 academies and alternative provision academies. Reference was also made to measures in relation to school admissions, school exclusions, school inspection and school finance.

ORDERED that the Deputy Director, Achievement be thanked for the information provided.

ADULT SOCIAL CARE – ISLE OF WIGHT COUNCIL – HIGH COURT RULING

Further to the meeting of the Board held on 15 November 2011 when further clarification had been requested regarding Social Care budget proposals the Assistant Director of Adult Social Care presented a briefing paper in the light of recent media coverage of a High Court ruling in respect of proposed Adult Social Care cuts by the Isle of Wight Council.

Following the consultation and decision making process and subsequent challenge budget proposals of £2.5 million by the Isle of Wight Council had been overruled by the High Court on 11 November 2011. Such a decision had followed a similar ruling against Birmingham City Council in May 2011 and more recently Sefton Council. The reasons for the ruling had been summarised as follows:-

- the Policy had been contrary to the guidance set by the Government;
- the Council's consultation document provided insufficient information;
- the Council had not complied with its own internal guidance on how to assess the impact of its new policy;
- the Cabinet reports had only described 'in very general terms' the impacts of the policy changes and focussed 'mainly on the funding aspects'.

In terms of Middlesbrough's position, the Council had a duty to ensure that any such proposals that were made included:-

- (a) a full and thorough Equality Impact Assessment which would allow for their impact on various groups to be fully and properly considered;
- (b) a thorough consultation process, which included information on the practical detail of what the changes in policy would entail.

The Board was advised as to how the above had and would be applied with regard to budget proposals where it was considered appropriate and in accordance with legal requirements.

In response to clarification sought from Members further information was provided of a number of factors which had been into account, options examined as to how matters could be done differently, use of alternative community buildings investigated and the extent to which the consultation process had been undertaken with regard to a number of the budget proposals.

The Board reiterated the future likelihood of the scrutiny process being involved with regard to the impact of certain budget cuts.

ORDERED that the Assistant Director, Adult Social Care be thanked for the information provided.

NO HEALTH WITHOUT MENTAL HEALTH – FINAL REPORT OF THE SOCIAL CARE AND ADULT SERVICES SCRUTINY PANEL

The Chair of the Social Care and Adult Services Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a review of 'No Health without Mental Health'.

The Board considered the following recommendations of the Panel based on the submitted evidence: -

- a) That high profile figures within the Town, for example the Manager of Middlesbrough Football Club, be approached with a view to appointing a high profile Mental Health Advocate who can help to dispel the myths surrounding mental health issues and encourage people within the Town, particularly men, to seek help.
- b) That an opportunity to complete the nationally accredited Mental Health First Aid Training (MHFA) course be offered to all Councillors and that the Council's Chief Executive encourages all Members of the Corporate Management Team to complete the course.
- c) The Panel recognises the important work carried out by the FORWARDS Team in helping to support people with mental health problems to gain employment and requests that efforts be made to identify the necessary funding to continue the FORWARDS service at its current capacity.
- d) That the Primary Care Trust and successor Clinical Commissioning Group proactively engages with GP's in relation to the issue of suicide prevention and encourages a greater take up of the ASIST suicide course by GP's in Middlesbrough.
- e) That a prevention strategy be developed in order to ensure that the families/friends of those affected by suicide receive the support they need at the earliest opportunity.
- f) That all primary schools in Middlesbrough are encouraged to take up the offer of the Huge Bag of Worries project and that an Officer within Children's Services is identified to support the delivery of this project. A small amount of funding may also need to be identified to enable Officers within the Department of Social Care to continue to deliver this project in Middlesbrough schools. Where schools decline this offer a notification is to be sent to the Elected Members appointed as School Governors to notify them of their school's decision.
- g) That the Primary Care Trust and successor Clinical Commissioning Group invests and commissions a greater proportion of early intervention Children and Adolescent Mental Health (CAMHS) services and that a report is submitted by the PCT to the Social Care and Adult Services Scrutiny Panel in respect of this issue.
- h) That sustained efforts be made to publicise The Tees Time to Talk service and that leaflets and advertisements for the service be displayed in prominent places within the Town including Erimus Housing Offices, the Citizens Advice Bureau, the Job Centre, at Mosques and other places of worship and at Middlesbrough Football Club.
- i) That continued efforts be made to increase the number of service users from the BME community who are accessing the IAPT services on offer.
- j) That the Panel be advised by the Executive Director of Adult Social Care and Environment of the intentions of Middlesbrough's GP Clinical Commissioning Group (CCG) in respect of commissioning mental health services using discretionary spend. The Panel is particularly keen to find out whether Middlesbrough's Clinical Commissioning Group is proposing to commission any new mental health services and/or if mental health services in Middlesbrough will be delivered differently in the future.

In supporting the recommendations the Board indicated that it was a very useful and worthwhile final report.

ORDERED that the findings and recommendations of the Social Care and Adult Services Scrutiny Panel be endorsed and referred to the Executive.

ENTERPRISE ZONES – FINAL REPORT OF THE ECONOMIC REGENERATION AND TRANSPORT SCRUTINY PANEL

The Chair of the Economic Regeneration and Transport Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny review on the topic of Enterprise Zones.

The Board considered the following recommendations of the Panel based on the submitted evidence: -

- a) That the Council adopts a policy that any applications from businesses which are looking to relocate to an Enterprise Zone site solely to benefit from the available financial benefits and incentives will not be supported.
- b) That, given the current financial constraints facing the Local Authority, consideration is given to how the Council can best work with Tees Valley Unlimited to deliver the local Enterprise Zone to support the creation of new jobs and businesses.
- c) That Tees Valley Unlimited be requested to co-ordinate the work of the Tees Valley authorities and work with them to:
 - (i) Develop consistent criteria for Local Development Orders for the local Enterprise Zones.
 - (ii) Develop eligibility criteria for the award of business rates relief.
- d) That the results of securing Enterprise Zone status for the Tees Valley - including jobs created, numbers of businesses assisted and business rates received by the Local Enterprise Partnership - are monitored and reported to the Scrutiny Panel annually.
- e) That the Tees Valley authorities work together to seek the funding required to provide the necessary infrastructure for the Enterprise Zones and that financial modelling is undertaken to determine the financial implications for the local authorities.

Members supported the recommendations and hoped that they would be implemented and assist in improving the overall economic situation of Middlesbrough.

14 TO 19 REFORM AGENDA – FINAL REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL

A copy of the Final Report of the Children and Learning Scrutiny Panel following its investigation of the 14-19 Reform Agenda had been circulated.

ORDERED that consideration of the Final Report be deferred to the next meeting of the Board.

FOOTPATH REPAIRS – FINAL REPORT OF THE ENVIRONMENT SCRUTINY PANEL

The Chair of the Environment Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny review on the topic of Footpath repairs.

The Board considered the following recommendations of the Panel based on the submitted evidence: -

- (a) That the Executive notes the Scrutiny Panel's findings that footpath repair and maintenance provision is both efficient and effective.
- (b) That, in order to maintain existing standards and ensure that liability claims against the Authority continue to be reduced, it should be ensured that, as far as is practicable in the current financial climate, the Council's existing footpath inspection regime, and application of its agreed Tree Policy, is maintained.

- (c) That, where it becomes necessary, on highway safety grounds, for the Council to construct a vehicular pavement crossing, the householder concerned continues to be charged for the works.
- (d) That in the above cases, if no payment is forthcoming, a local land charge is placed against the property as this will ensure that the Authority will eventually receive payments for the works.
- (e) That the above approach should not preclude recourse to legal action to recover costs, where this is considered appropriate.

Members sought clarification on the circumstances in which recommendations (c), (d), and (e) would apply.

ORDERED that the findings and recommendations of the Environment Panel be endorsed and referred to the Executive subject to recommendations (c), (d), and (e) being more explicit as to when such circumstances would apply.

SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS

It was confirmed that no requests for scrutiny reviews had been received from the Executive, Executive Members, Non- Executive Members and members of the public since the last meeting of the Board.

NOTED

SCRUTINY PANELS – PROGRESS REPORTS – SCRUTINY WORK PROGRAMME – ORTHODONTIC SERVICES – CARE QUALITY COMMISSION

A report of the Chair of each Scrutiny Panel was submitted which outlined progress on current activities.

In relation to the Scrutiny Work programme the Board was advised that the Economic Regeneration and Transport Scrutiny Panel had agreed that the implementation of the road infrastructure necessary for the major housing developments in South Middlesbrough be the Panel's next topic for scrutiny investigation.

The Chair of the Health Scrutiny Panel advised the Board of proposed changes to hospital delivered orthodontic services with effect from January 2012. Such services were to be centralised within the South Tees Hospitals NHS Foundation Trust but with two treatment localities, one at James Cook University Hospital and the other at the Friarage Hospital, Northallerton. It was suggested that further details on such proposals be submitted to the next meeting of the Board.

In response to a question it was confirmed that further information would be provided to the Member concerned regarding the Council's Quality Review System for older persons care homes and homecare provision.

NOTED AND APPROVED

CALL IN REQUESTS

It was confirmed that no requests had been received to call-in a decision.

NOTED

ANY OTHER BUSINESS – STAFFING – SCRUTINY TEAM

With the approval of the Chair, the Board was advised by the Senior Scrutiny Officer of reductions in the staffing levels of the Scrutiny Team from six to four Officers which had been further reduced as a Scrutiny Officer had recently commenced maternity leave.

In view of such circumstances Members were asked to consider the frequency of Scrutiny Panel meetings.

The Chair indicated her intention to meet with the Chairs of the Scrutiny Panels in early 2012 with a view to discussing current and future arrangements.

NOTED