

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 30 April 2013.

PRESENT: Councillors Brunton (Chair), Arundale, Cole, Dryden, Harvey, C Hobson, Kerr, McIntyre, Sanderson, J Sharrocks, J A Walker and Williams

PRESENT AS OBSERVERS: L Henman.

ALSO IN ATTENDANCE: J English, Partner Development Manager, Department for Work and Pensions
B Lambert, Partner Support Manager, Department for Work and Pensions,
L Wood, Customer Service Operations Manager, Durham Tees Valley District Jobcentre Plus

OFFICERS: J Bennington, C Breheny, S Brown, P Clark, A Crawford, J Ord and N Pocklington.

APOLOGIES FOR ABSENCE was submitted on behalf of Councillor Mawston.

DECLARATIONS OF INTERESTS

There were no declarations of interest made at this point of the meeting.

12/118 MINUTES-OVERVIEW AND SCRUTINY BOARD 2 APRIL 2013

The minutes of the meeting of the Overview and Scrutiny Board held on 2 April 2013 were submitted.

In response to a query raised by a Member at the previous meeting of the Board it was confirmed that the land ownership issues in respect of the Oakfields Academy site had been resolved and there were no proposals by the Hustler Trust to sell off any playing field.

ORDERED as follows:-

1. That the minutes of the Overview and Scrutiny Board held on 2 April 2013 be approved as a correct record.
2. That the information provided in respect of the Oakfields Academy site be noted.

12/119 EXECUTIVE FORWARD WORK PROGRAMME

As part of the Board's remit in terms of holding the Executive to account a report of the Executive Office Manager was submitted which identified the forthcoming issues to be considered by the Executive as outlined in Appendix A of the report submitted.

NOTED

12/120 WELFARE REFORMS - DEPARTMENT OF WORK AND PENSIONS BRIEFING

The Scrutiny Support Officer submitted a report the purpose of which was to introduce representatives from the Department of Work and Pensions (DWP) to provide a briefing on Employment and Support Allowance, Disability Living Allowance to Personal Independence Payments and a generic update on welfare reform.

Janet English, Partner Development Manager, DWP, gave a presentation which provided an overview of the Welfare Reform Act which was regarded as the most fundamental reform to the social security system for 60 years. The Board was advised of the significant task of providing as much information as possible and guidance to partners for customers and clients. It was pointed out that the Team had seen over 1,000 partners since October 2012 and inevitably as the rollout commenced lessons would be learnt as implementation progressed. An indication was given of the timeline for the implementation of the various components of

the Act.

Lynne Wood, Customer Service Operations Manager, Durham Tees Valley District Jobcentre Plus provided detailed information regarding Employment Support Allowance (ESA). From 31 October 2011, changes had been introduced to the way people were supported during the course of their ESA claim in response to Professor Malcolm Harrington's recommendations from the first of five annual independent reviews of the Work Capability Assessment.

From 30 April 2012 the Welfare Reform Act set out that contribution based ESA (ESAA-C) would be time limited to 365 days for those in the Work Related Activity Group.

The Board was advised of the structure of the ESA. When a claimant was first awarded ESA, they received a basic rate of benefit while their capability for work was assessed. During such a period claimants did not have to take part in work-related activity but were required to provide up-to-date medical evidence known as the 'Statement of Fitness for Work' (Fit note) showing that they had limited capability for work for any claim longer than seven days. Also during the assessment phase claimants completed a self-assessment questionnaire called the ESA50 and may go to a face-to-face assessment carried out by a trained healthcare professional.

Details were given of the Work Capability Assessment which was based on assessing the way a condition limited someone's functional capability and not about assessing their condition. The completion of a Limited Capability for Work self-questionnaire during the course of a claim gave claimants the opportunity to share their views on how their health condition or disability affected their ability to perform tasks and enjoy daily living activities. An Atos Healthcare professional would carry out an initial paper check which was called a 'pre-board check' or 'scrutiny' in order to identify claimants who met the criteria for the Support Group or to determine if there was evidence that a face to face assessment was not required.

Following the assessment claimants with limited capability for work would be placed in the Work Related Activity Group.

Claimants who had Limited Capability for Work and Limited Capability For Work Related Activity were placed in the Support Group and were not required to take part in work-related activity and got an additional payment (a support component) on top of the basic rate of ESA.

Most ESA claimants who wanted the extra support offered by the Work Programme would be able to get it as soon as they were placed in the Work Related Activity Group or Support Group. Most ESA-IR claimants, who were expected to be able to return to work within 12 months would be required to take part in the Work Programme and be referred by Jobcentre Plus.

It was pointed out that Jobcentre Plus managers and advisers had been given more flexibility to judge what would best help individual claimants such as referring claimants to a flexible menu of activities for extra support that would fit with one-to-one support from an adviser.

People with greater disability related barriers to work may be referred to Work Choice, if the Jobcentre Plus offer was not suitable for them. Work Choice helped people with more severe disabilities or complex needs to prepare for work and to take supported employment with the aim of progressing into unsupported employment where possible.

Reference was made to a revised sanctions regime from 3 December 2012 for ESA claimants who were in the Work Related Activity Group as part of a wider package of measures aimed at moving claimants closer to the regime planned for Universal Credit.

Bridget Lambert, Partner Support Manager, DWP, gave an overview of the Personal Independence Payment (PIP) a new benefit which replaced the Disability Living Allowance from 8 April 2013. The PPI was intended to help disabled people live full, active and independent lives and was based on how a person's condition affected them not the condition they had. PIP had a three month qualifying period and nine month prospective test.

PIP would be made up of two components of daily living and mobility each of which could be paid at standard rate or enhanced rate for those with greatest needs. Entitlement would be decided based on assessment criteria which considered the ability to carry out a range of everyday activities as detailed in the presentation provided.

The PIP assessment process would be managed by two assessment providers, Atos Healthcare in respect of the North East. In response to Members' questions it was indicated that such work could be sub contracted out by Atos Healthcare.

The PIP assessment considered people as individuals, focussing on the impact their condition(s) had on their daily lives and over a range of different activities. Most people would be asked to a face-to-face consultation with a health professional as part of the assessment process but home visits would be available when necessary. The health professional would send a report to the DWP following the assessment for the DWP Case Manager to make a decision.

An indication was given of the implementation process and information as to how a PIP was claimed. From April 2013 new claims to PIP had been taken from certain areas including the North East and the new claims national rollout would be in June 2013.

A new stage built into the process involved the DWP Case Manager contacting the claimant to explain the decision made as outlined in the issued decision letter where PIP had not been awarded or where the award was lower than the DLA award in reassessment cases. From April 2013 disputes about PIP decisions came under new arrangements. The first, mandatory step, was for the decision to be reconsidered by the DWP Case Manager. If the issue was not resolved at the reconsiderations stage, there was a right to appeal which should be lodged directly with Her Majesty's Courts and Tribunals Service (HMCTS).

In discussing the future direction of the review Members suggested that it would be useful to gain an insight of experiences of individuals of the current arrangements.

ORDERED that all representatives be thanked for the information provided which would be incorporated into the overall review.

12/121

THIRD QUARTER BUDGET AND PERFORMANCE FURTHER INFORMATION

The Deputy Director Safeguarding and Specialist Services presented a report which provided an update on the financial pressures of the Safeguarding and Specialist Service and the measures which were being taken to mitigate such pressures.

In terms of numbers the most regional information on safeguarding and children looked after identified that the regional safeguarding average had increased by 10.65% and the regional children looked after average had increased by 5.9%. Middlesbrough had seen an increase of 5.3% whilst Stockton, Durham, and Redcar & Cleveland had seen increases of over 10%.

Information was provided of the development of the Council's strategy to reduce costs and influence the rising numbers of looked after children within a context which recognised that the only long-term solution was to reduce the numbers of looked after children by developing effective early help. The most significant areas of pressure were services for children with disabilities and children looked after placements.

A key strategy to reduce costs and increase flexibility had been the campaign to recruit more foster carers to replace those who had retired and resigned. Following the campaign 183 information packs had so far been requested and of those 31 enquiries had been closed and the remainder followed up. The Board was advised of a further recruitment drive in May and autumn focussing on carers which could provide placements for family groups, teenagers and children with special needs.

The Wellbeing Care and Learning Commissioning Team were currently undertaking a review and challenge of the cost of current external placements. At the same time, the Commissioning Team was recommissioning a new contract with independent fostering

agencies, with the aim of reducing costs and securing more favourable terms and conditions around solo placements, family/sibling groups and long-term fostering arrangements.

The Service was currently negotiating with Ofsted and Five Rivers to increase the capacity of three children's homes from 11 to 13 beds to become operational in the autumn when the Council resumed control of the three homes.

It was confirmed that the Council had secured a favourable contract with an independent provider for four residential beds that were exclusively available for Middlesbrough children. It was pointed out that such an arrangement had the potential to save the Council at least £200,000 over what would usually be committed to the equivalent number of beds over the course of a year.

The Council was also actively exploring potential properties with a view to developing a small 3-bed residential unit for children with disabilities. Such an initiative would reduce the overspend on expensive out of Borough residential placements.

Reference was made to the establishment of a Youth Team which had been created to specifically focus on preventing young people from being received into care.

The Safeguarding Service had developed a crisis response service from within existing resources which could be brought together at short notice to prevent family groups or individuals becoming looked after.

It was acknowledged that developing an early help strategy would inevitably have the most significant long-term impact on the rising number of looked after children. A significant shift in the way services would be managed and risk was contained across all agencies working within Middlesbrough. Whilst implementation of the early help strategy was in its infancy the Board was advised that it was already clear that there were other ways of managing situations and risk without needing to accommodate children.

Reference was made to an information report which had been circulated regarding achievement and attainment in Middlesbrough Schools following the Board's request for further information.

ORDERED as follows:-

1. That Officers be thanked for the information provided.
2. That the Deputy Director Achievement be invited to attend the next meeting of the Board regarding further information requested by the Board in respect of Achievement and Attainment in Middlesbrough Schools.

12/122

WINTER PRESSURES SOUTH TEES HEALTH AND SOCIAL CARE ECONOMY

The Chair of the Health Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation into winter pressures facing the South Tees Health and Social Care Economy.

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

(a) That the local health and social care economy, led by the Health and Wellbeing Board, develops and implements a strategy to ensure that the local health and social care economy is more able to deal with winter pressures. The strategy should have a specific and explicit focus on the following areas of priority:-

(i) How Social Care provision, specifically that based at JCUH, will be developed to ensure it can effectively and safely meet the demand for services associated with assessment and discharge of patients, which presents itself through the winter months. The detail of how this is to be done, whilst largely a management function, should pay appropriate attention as to

whether current operating hours are sufficient, as well as whether staff numbers are sufficient.

(ii) How the local health and social economy will develop a better and more robust range of service options based in the community, which will allow people to be safely discharged out of acute hospital, who may still require some recovery period. The strategy should be explicit about how this will be funded and what is needed to make it happen. An important aspect of that will be the management of the 'local market', to ensure the provision is in harmony with need and demand.

(iii) How the local health and social care economy will seek to utilise the skills and expertise of NEAS staff more, particularly around the concept of paramedics being able to 'see and treat'. The suggestion that the Panel has heard from more than one source, that General Practices seeks to utilise NEAS primarily as a mode of transport to hospital, to transfer risk, should also be urgently investigated and challenged, by the competent body, if necessary. There should be clear protocols published, which provide directions for paramedic staff to be able to question the appropriateness of an ambulance transporting someone to hospital.

(iv) How the local health and social care economy will ensure that the Out of Hours service provider does not, or will not in the future, seek to adopt an approach where it abdicates risk and transfer that risk to the hospital environment. This should involve an urgent review to ensure that the current Out of Hours contract is being complied with.

(b) To support the development and formation of a strategy, the Health and Wellbeing Board should commission work to identify detailed projections on population and morbidity data, which attempts to identify where, when and how service pressures will come to bear. The suggestion that the health and social care economy doesn't have this level of data available to it and doesn't really know what future pressures are coming, struck the Panel and should be remedied.

(c) The Panel would be keen to see the local health and social care economy hold a conversation about whether it would support the idea of there being greater inpatient winter capacity at JCUH, which perhaps would be closed throughout the warmer parts of the year. The Panel is conscious that this would create a degree of inefficiency at JCUH, but would be interested to learn whether that small amount of unused capacity laying dormant throughout most of the year, would be supported if it could be relied upon during winter.

(d) That the South Tees Hospitals NHS Foundation Trust expedites its work to investigate the feasibility of expanding the physical capacity at JCUH, particularly around the resuscitation facilities. The Panel would like to know the outcome of this work.

(e) That the South Tees Hospitals NHS Foundation Trust reassures itself and the wider health and social care economy, that the development of a major trauma unit at JCUH, and the associated additional patients, does not detract from the facility's ability to carry out its District General Hospital duties, particularly in winter.

In considering the recommendations Members suggested that further attention should be given to patient transport for patients requiring hospital treatment.

The Board's attention was drawn to the intention of the Health Scrutiny Panel's to receive an update from the various organisations on progress on winter plans 2013/2014 in the summer 2013.

ORDERED that the findings and recommendations of the Health Scrutiny Panel be endorsed and referred to the Executive subject to an additional recommendation:-

'That further attention is paid to the modes of transport used by the health and social care system, to ensure people who require hospital treatment are properly transported. This work will be led by the Health Scrutiny Panel.'

The Chair of the Economic Regeneration and Transport Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation of the Grove Hill Regeneration Scheme.

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

1. That in order to create a positive local identity for the 'new' Grove Hill and support the social transformation of the area, as well as help attract private sector investors and new residents a competition be launched to rename/rebrand the area. The panel has put forward the suggestion that a possible new name for the regenerated area could be 'Eastbourne Park', given that the regeneration intention is for the new T-junction to make the Eastbourne Road shops a focal point for the new housing, with a new linear park alongside. The panel requests that this suggestion be considered alongside the other entries received.
2. That local letting policies are in place when awarding tenancies for all new affordable homes developed for rent in Grove Hill to ensure that a more balanced community is achieved and anti-social behaviour prevented.
3. That the affordable housing developed in Grove Hill be indistinguishable from the houses sold on the open market. When securing affordable housing through a private sector planning application for the site a 'pepper pot' approach be adopted to help create a mixed sustainable community.
4. That action is taken to initiate the Compulsory Purchase Order (CPO) process if it is felt that a CPO will ultimately be required for the acquisition of Palladium Buildings and the remaining owner-occupied properties in Grove Hill.
5. That a consultation exercise on the preferred option proposals for the linear park and new T-junction at Eastbourne Road shops be undertaken with Grove Hill and Linthorpe residents at the earliest opportunity. As part of the consultation process careful consideration should be given as to whether the inclusion of play areas in the development of the linear park is deemed appropriate and is widely supported by local residents. Private sector companies /funding providers should also be approached to secure sponsorship for the park/children's play facilities.
6. That a number of options be explored in an effort to regenerate the necessary funding for the provision of community facilities in Grove Hill. Including the possibility of securing investment through a section 106 agreement, reinvesting a proportion of the capital receipt from the sale of the site or setting aside any funds that may remain from the Joint Venture pot for this purpose.
7. Given the likelihood that it will be some time before a preferred developer is secured to develop private sector housing in Grove Hill the Bishopton Road site be approved for mixed-use development and that the department continues to work with any third party organisations interested in developing the site for retail provision etc.
8. That a financial contribution is sought from a private sector developer to assist in the ongoing maintenance work associated with the upkeep of the linear park at the appropriate point.
9. That a revised delivery and implementation plan for the regeneration of Grove Hill, which sets out in detail the objectives that the department aims to achieve within the short, medium and long term be presented to Executive to enable progress against this plan to be monitored by the panel. The plan should include a timescale, which sets out specifically how the Joint Venture funding is to be invested and what the Council/Erimus is aiming to achieve and by when for the benefit of the residents of Grove Hill.

ORDERED that the findings and recommendations of the Economic Regeneration and Transport Scrutiny Panel be endorsed and referred to the Executive.

12/124 PAPERLESS COMMITTEE MEETINGS - FINAL REPORT OF THE AD HOC SCRUTINY PANEL

The Chair of the Ad Hoc Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following its scrutiny investigation on the topic of paperless committee meetings.

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

1. That a paperless approach to committee meetings in Middlesbrough Council involving the use of mobile devices by all Elected Members and relevant Officers to access all meeting papers is adopted by the Authority subject to the following additional recommendations.
2. That the project is examined/developed as part of the Authority's Desk Top Strategy and Application Review. This should identify the most appropriate equipment/devices to be used and undertake a detailed exercise on cost -effectiveness and long-term costs. All costs should be identified prior to the introduction of any new system. The exercise should also include an assessment of the potential risks of the system and how these could be addressed/mitigated.
3. That any mobile devices used are capable of supporting all systems currently in use by Members, together with any enhanced features that may be appropriate to enhance Members' roles in the future, both in committee meetings and in community work.
4. That the necessary training is provided for all Members and relevant Officers.
5. That it is ensured that the press, public and any relevant parties attending meetings continue to be able to easily access all public agenda, reports and minutes. It should also be ensured that the production of any printed meeting papers is reduced to a minimum.
6. That prior to the introduction of a paperless committee system, its benefits are highlighted and publicised.

ORDERED that the findings and recommendations of the Ad Hoc Scrutiny Panel be endorsed and referred to the Executive.

12/125 SCRUTINY REVIEW REQUESTS

It was noted that no scrutiny requests had been received since the meeting of the Board held on 5 March 2013.

NOTED

12/126 SCRUTINY PANELS - PROGRESS REPORTS

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

NOTED

12/127 CALL IN

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

NOTED

12/128 ANY OTHER BUSINESS - VOTE OF THANKS

The Chair thanked Members and Officers for their attendance and support throughout the last Municipal Year and on behalf of the Board extended best wishes to Caroline Breheny, Scrutiny Officer who would be shortly taking maternity leave.

NOTED