

Cabinet

A meeting of Cabinet was held on Thursday, 1st December, 2016.

Present: Cllr Robert Cook(Chair), Cllr Jim Beall, Cllr Nigel Cooke, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr Michael Smith, Cllr Norma Wilburn

Officers: Neil Schneider(CE), Julie Danks, Margaret Waggott, Peter Mennear, Michael Henderson(DCE), Beccy Brown(HR&L), Garry Cummings(F&BS), Jane Humphreys, Martin Gray, Shaun McLurg, Diane McConnell, Rhona Bollands(CHS), Reuben Kench(CL&E), Jamie McCann(CS), Ann Workman, Liz Hanley(AH).

Also in attendance: Cllr Mohammed Javed, Members of the Public.

Apologies: None

CAB Evacuation Procedure

94/16

The evacuation procedure was noted.

CAB Declarations of Interest

95/16

Councillor Nigel Cook declared an interest in item 5 entitled 'Scrutiny Review of Deprivations of Liberty Safeguards as he was employed by Tees, Esk and Wear Valley Mental Health Trust.

Councillor Ann McCoy declared an interest in item 5 entitled 'Scrutiny Review of Deprivations of Liberty Safeguards as she was on the Board of Governors of Tees, Esk and Wear Valley Mental Health Trust.

Councillor Nigel Cook declared a personal non prejudicial interest in item 6 entitled 'Deprivations of Liberty Safeguards as he was employed by Tees, Esk and Wear Valley Mental Health Trust.

Councillor Ann McCoy declared a personal non prejudicial interest in item 6 entitled 'Deprivations of Liberty Safeguards as she was on the Board of Governors of Tees, Esk and Wear Valley Mental Health Trust.

Councillor Jim Beall declared a personal non prejudicial interest in item 7 entitled 'Building Capacity and Resilience in the Organisation – Shaping a Brighter Future Programme/Smarter Working' as his wife was an employee of the Council and she was involved in some of the work of the SBF Programme.

Councillor Bob Cook declared a personal non prejudicial interest in item 7 entitled 'Building Capacity and Resilience in the Organisation – Shaping a Brighter Future Programme/Smarter Working' as his daughter was an employee of the Council.

Councillor Norma Wilburn declared a personal non prejudicial interest in item 11 entitled 'School Performance Regarding Vulnerable Groups' as she had a grandchild with special needs.

Councillor Steve Nelson declared a personal non prejudicial interest in item 11 entitled 'School Performance Regarding Vulnerable Groups' as he had grandchildren who attended Frederick Nattrass School and Northshore School and he was a school governor of Frederick Nattrass School.

Councillor Bob Cook declared a personal non prejudicial interest in item 11 entitled 'School Performance Regarding Vulnerable Groups' as he had a grandson who attended Northfield School and he was a school governor of Billingham South Primary School.

Councillor Jim Beall declared a personal non prejudicial interest in item 11 entitled 'School Performance Regarding Vulnerable Groups' as he was Chair of Governors at Rosebrook Primary School which had a unit for children with autism.

**CAB
96/16** **Minutes of the meeting held on 10th November 2016**

Consideration was given to the minutes of the meeting held on 10th November 2016.

RESOLVED that the minutes of the meeting held on 10th November 2016 be agreed and signed by the Chair as correct record.

**CAB
97/16** **Scrutiny Review of Mental Capacity Act Deprivation of Liberty Safeguards**

Consideration was given to a report that presented the outcomes of the Adult Services and Health Select Committee's review of Deprivation of Liberty Safeguards. There had been a significant increase in activity to implement the Mental Capacity Act MCA DoLS following the 'Cheshire West' Supreme Court judgment in 2014. This judgment led to workforce and financial pressures for Adult Social Care across the country.

The review was instituted in order to review the Council's response and had focussed on the Council's responsibilities and functions in relation to DoLS and reviewing the application of DoLS in the wider health and care community.

RESOLVED that:-

1. The work of Adult Services in responding to the requirements of the MCA/DoLS be noted and commended;
2. The work undertaken to ensure
 - a) effective partnership working and;
 - b) that processes were as streamlined as possible (within the requirements of the MCA), be commended, and future work be supported;
3. Subject to the Medium Term Financial Planning Process, the Committee supports the identification of a sustainable resource allocation to support the DoLS function;
4. A full update report be submitted to Adult Services and Health Select Committee after 6 months, once the funding arrangements had been clarified, and current improvement projects had been completed.

**CAB
98/16** **Deprivation of Liberty Standards (DoLS) Update**

Consideration was given to a report that provided an update on improvement

work completed in relation to the application of the Mental Capacity Act Deprivation of Liberty Safeguards (DoLS)

Following the Supreme Court Ruling on 19 March 2014: P -v- Cheshire West and Chester Council and P and Q -v- Surrey County Council, there had been a radical change to the legal definition of and the test for Deprivation of Liberty (DoL). The Ruling must be followed.

As outlined in previous Cabinet reports, a much greater number of existing and potential clients were now considered within the scope of the Safeguards, including the current care home population and people living in supported living, both within and outside the Borough, who were Stockton-on-Tees residents and who were aged 16 or over. These clients required assessments for mental capacity as the first stage in the process. Members were provided with details of the legal framework and statutory duties.

The Law Commission's Mental Capacity Act and Deprivation of Liberty consultation closed in November 2015. A final report with recommendations and a draft Bill were expected to be published in 2016. The interim statement published on 25th May 2016 reached a number of conclusions, which if implemented, could have a significant impact on working practices and resources in the longer term, which would require ongoing additional resource. The interim conclusions were summarised and provided.

The key risk areas in relation to undertaking the DoLS function had been identified and were detailed.

Following an initial scoping exercise, a work programme is in progress to ensure that current clients are not unlawfully deprived of their liberty. Working practices have also been reviewed to ensure that the new test is embedded in practice and risks to vulnerable clients and the Council are mitigated, as far as is reasonably practicable.

Client assessments resulting from the Supreme Court ruling had been prioritised by client group and care and support arrangements, in line with the Association of Directors of Adult Services (ADASS) priority tool. This "managed approach" was subject to ongoing review to ensure that priority continued to be given in accordance with those clients at greatest risk. Authorisation requests outside of this work programme, and re-assessments for those people subject to an authorisation of DoL, were being processed within the statutory timescales. It was anticipated that the DoLS assessments for those clients identified within the "managed approach" would be completed by December 2016. Current and projected activity was provided.

It was unclear why the North East was an outlier but the returns across the area were double the national average. The North East ADASS region had commissioned further analysis.

Cabinet were provided with details of improvement work that was completed in relation to the DoLS function.

The next steps included:-

- The operational plan would continue to be implemented and monitored.
- Improvement work would be undertaken with a focus on Section 12 doctor and other direct costs.
- Quality Assurance of the whole process would continue to be monitored through the MCA DoLS Steering Group and Adult Care Management Team.
- Tees-wide Safeguarding Adults Board and Local Safeguarding Children's Board reporting will be undertaken as appropriate.

The DoLS budget was currently funded through one year Corporate funding of

£546k as well as social care funding of £76k. Funding for the implementation of the DoLS function had been agreed until 31.3.2017. Expenditure in 2016-17 was projected to exceed the budget by £298k.

As a result of the improvement work completed to ensure lean processes, potential savings had been identified to reduce the cost of the DoLS function. A future resource requirement of £471,300 had been identified for consideration as part of the Medium Term Financial Plan. As some of the savings would not be realised until 2018-19, a further £281,000 was required for 2017-18 and would also need to be considered in the medium term financial plan. Work would continue to identify efficiencies and savings. The resource requirement was detailed.

RESOLVED that:-

1. The content of the update report, the implications of the judgment and the requirement for additional work to be carried out be noted.
2. The requirement for substantive funding of £471,300 to be considered as part of the Financial Plan be noted.
3. The requirement for additional one year funding for 2017-2018 of £281,000 to be considered as part of the Financial Plan be noted.
4. Cabinet receive regular updates on progress against the operational plan. The next update was planned for the autumn of 2017.

CAB 99/16 Building Capacity and Resilience in the Organisation – Shaping A Brighter Future/Smarter Working

Consideration was given to a report that updated Members on progress with the Shaping a Brighter Future programme (SBF) and referenced how SBF and the new workforce culture had set the parameters for the Council to consider and challenge how it worked both now and in the future. This was being addressed through the Smarter Working element of the Big Picture programme. By thinking differently about what the Council did and how the Council did it, using service reviews, system changes, building moves and technology as catalysts for change, the Council was aiming to:

- further enhance efficiency
- remove unnecessary barriers that stop staff being empowered
- become a more modern, lean, fit for purpose, paper-light organisation that operated in a way that met the changing needs and expectations of customers and employees
- be a financially sustainable organisation
- continue to be a successful organisation that was independently recognised

In January 2014 Cabinet noted the approach to developing a Shaping a Brighter Future Programme to be delivered over a period of five years, recognising there would be some 'quick wins' and some more longer term solutions.

The principle of the programme was that it would be designed to build more capacity in the organisation by investing in the Council's own people and growing talent to increase capability through personal and team development. In recognising that the organisation faced a reduction in resources over the coming years the programme aims were articulated as being to:

- Build capability
- Increase capacity
- Increase resilience and success

In April 2014 Cabinet were provided with an update on the programme and noted the intrinsic links with the Council's ongoing commitment to long term planning and invest to save approach. SBF underpinned the programme of transformation that formally began with the Efficiency, Improvement and Transformation (EIT) reviews in 2009 and continued through the Big Picture Programme and the Planning and Delivery Framework.

The programme was designed around a number of key work streams and two supporting strands:

- Workforce culture
- Selection and recruitment
- Personal Development
- Team Development
- Talent Identification & Succession Planning
- Right people, right place
- Employee well-being and retention
- Partnership
- Programme Management and Resource Network (Supporting strand)
- Communications (Supporting strand)

A further update report to Cabinet in September 2015 provided details of some of the early successes and emerging plans from the work stream teams.

It was timely to bring a further update to Members both on the Shaping a Brighter Future Programme itself and the approach to Smarter Working which was designed to further enhance the capacity, resilience and effectiveness of the organisation.

RESOLVED that the report be noted.

CAB **Early Help Performance Update**
100/16

Consideration was given to a report that updated Members with performance information regarding the delivery of Early Help, and updated from the report presented to Cabinet on 1 September 2016.

Members had previously agreed a revised approach to early help in July 2016. That report included the outline of a performance framework for Early Help, which went further than previous approaches and sought to develop information with a clearer outcomes focus.

The framework for Early Help was based on the following elements:

Qualitative

- Feedback / customer insight: what those in receipt of early help services were saying about the help and support they had received.

Assurance and audit: oversight of quality in case files, focusing on:

- Assessment;
- Interventions;
- Outcomes.

Quantitative

- Performance against an agreed set of indicators which could be measured over time. The indicators were detailed within the report.

Qualitative work was underway to develop additional customer feedback from those who had been involved in an early help process or who had received services. The current consultation on early years and children's centres was seeking views on some of these issues as part of the redesign of this element of the approach to early help. This would be embedded and included in the process for 2017.

With regard to assurance and audit, early help files were included in the LSCB's multi-agency audit process, and the Integrated Quality Assurance Group process regularly undertakes an audit of early help cases. Audits had recently been undertaken, as part of the regular audit cycle, into the work of the Family Support Team, one of the teams within early help delivering a range of support to families below the social care threshold. These highlighted an area of development around persistence and assertive approaches with families which was being addressed.

Overall there was a good picture of progress for quantitative. Although performance against a number of early help indicators was good, there were a number of areas to develop further. The report summarised the current position further, and more detailed comments were included attached to the report.

A number of planning sessions had been held with partners to further develop the vision for early help, and to undertake process mapping as part of work to embed efficiency and consider LEAN approaches to service delivery. These sessions had identified a number of areas to focus on further, including the need to differentiate early help approaches from the social care 'system' in order that the voluntary engagement of families can be promoted. It also identified a need to clarify referral arrangements especially where early help assessments were not required but where early help activity was being delivered.

A further session on the development of a more preventative approach was planned.

RESOLVED that the report be noted.

CAB 101/16 Ofsted Single Inspection Framework Action Plan

Consideration was given to a report on the action plan being implemented post inspection by Ofsted under the Single Inspection Framework in May / June. Ofsted required an action plan to be submitted by 14 November. The report therefore updated Members on the contents of that action plan.

Ofsted undertook their inspection in May and June 2016. The final report was

published on 5 August, and was reported to Cabinet on 1 September.

Ofsted required the submission of an action plan detailing work undertaken, proposed or planned to address the recommendations in the final report. The action plan was attached to the report.

Key issues to note were:

- a. Action was underway on all recommendations.
- b. Some had been completed and were in fact underway throughout the time of inspection and in advance of the publication of the final report.
- c. The action plan would be incorporated into the Children's Services Strategy for Change and Improvement, and would therefore be reported as part of quarterly performance updates to Cabinet and Children and Young People Select Committee.
- d. Although the Local Safeguarding Children Board was not required to produce a similar action plan, the recommendations had been built into the LSCB Business Plan which would be agreed on 17 November.

RESOLVED that the report be noted

CAB 102/16 Safeguarding and Looked After Children Activity and Performance Update

Consideration was given to a report that provided an update on activity and performance and any associated workload pressures in relation to the Safeguarding and Looked After Children Service.

The report also highlighted any national changes in legislation, policy and guidance which were likely to have an impact on services within Stockton-on-Tees.

This report was based on the available data at the end of quarter 2 (30 September 2016).

RESOLVED that:-

1. The current activity and performance within the Safeguarding and Looked After Children Service and impact of workload pressures be noted.
2. Further update reports on a quarterly basis be received in order to continue to monitor activity and performance.

CAB 103/16 School Performance 2015 – 2016 for vulnerable pupils

Consideration was given to a report that presented a headline, summary analysis of performance in the academic year 2015 – 2016 against all key stages for all providers in the Borough for vulnerable pupils and the strategies in place. It was informed by the latest available data; KS4 and primary unvalidated statistical first release data, and BUSI analysis.

SEN data was based upon Stockton schools and did not include data for Stockton SEN pupils educated out of the Borough. It was noted that the LA SEND Inspection comparison tool did not allow comparison to national 2016

data.

Reports would be presented to Cabinet during the year as further data became available.

The report presented an analysis of school performance in the academic year 2015 – 2016 for vulnerable pupils including:

- Pupils in receipt of Pupil Premium Funding;
- Performance of boys;
- Black and minority ethnic children;
- Looked After Children;
- Children with Special Needs;
- Attendance and exclusion figures for Stockton

RESOLVED that the standards and achievement across the Borough for vulnerable groups of children be noted.

**CAB
104/16** **LA nominations**

Consideration was given to a report on Local Authority Governors on School / Academy Governing Bodies.

As a result of the expiry of some Governors' Terms of Office and the Resignation of others, vacancies existed on the Governing Bodies as detailed in the attachment to the report.

In accordance with the procedure for the appointment of school / academy governors, approved as Minute CAB27/13 of the Cabinet (13 June 2013), Cabinet was invited to consider the nominations to school / academy Governing Bodies listed in the attachment to the report.

RESOLVED that the following appointments be made to the vacant Governorships subject to successful List 99 check and Personal Disclosure:-

Levendale Primary School - Mr D Turner (School nomination)

Our Lady of the Most Holy Rosary RC Primary School - Mr A Ramsey (school nomination)

St Joseph's RC VA Primary School (Norton) - Mr Steve Johnson (School nomination)

Thornaby CE Primary School - Councillor Tracey Stott (Labour)

Village Primary School - Councillor Tracey Stott (Labour)

Whitehouse Primary School - Mrs S Moppett (school nomination)

**CAB
105/16** **Indoor, Built and Specialist Leisure Facilities Assessment (IBSLFA)**

Consideration was given to a report on Indoor, Built and Specialist Leisure Facilities Assessment (IBSLFA).

In order to ensure effective forward planning for the provision of leisure facilities, including opportunities for rationalisation, it was essential to have an up to date catalogue of facilities mapped against known or predicted demand. Where such an assessment of need was required as a basis for funding applications it

should conform to frameworks prescribed by relevant funders. Sport England required the preparation of an Indoor, Built and Specialist Leisure Facilities Assessment (IBSLFA) as the basis for facility planning. The report presented a summary of the Stockton IBSLFA, prepared in accordance with the Sport England framework, and sought endorsement of the Assessment as a basis for future facility planning and development.

Across Stockton-on-Tees the picture with regards to the provision of leisure facilities was largely positive. There were however pockets of under provision or minor concern which had been identified through the IBSLFA and for which plans would be developed.

The draft IBSLFA had been used in support of the Sport England Strategic Facilities Fund bid for the Ingleby Barwick Leisure Facility and an approved IBSLFA would be required for the Stage-2 application stage.

RESOLVED that the Indoor, Built and Specialist Leisure Facilities Assessment be approved and adopted.

CAB **Community Governance Review - Grindon Parish**
106/16

Consideration was given to a report on the Community Governance Review - Grindon Parish.

Following receipt of a community governance petition which called for the splitting of Grindon into two separate parishes, the report invited consideration of the proposed approach to a community governance review in response to the petition.

A community governance review enabled a principal council to review and put in place new arrangements, making changes to current community governance systems and structures, for example by creating, merging, abolishing or changing parish or town councils in the review area.

The Government had emphasized that the aim of a review should be to bring about improved community engagement, more cohesive communities, better local democracy, and result in more effective and convenient delivery of services.

All principal councils had a legal duty to carry out a community governance review if they received a valid petition. For a community governance petition to be valid in an area of less than 2500 electors, as is the case with Grindon (electors), it must be signed by 187 local government electors, define the area to which the review relates and specify one or more recommendations. The petition called for the splitting of Grindon into two separate parishes along the boundaries of the parish wards of Grindon East and Grindon West.

The petition stated:

“Thorpe Thewles village is part of Grindon Parish Council. The Parish Council works for you and your community influencing planning, fly tipping, environmental issues and local matters. It is also a link to Stockton Borough Council Departments. From the maps attached you can see Grindon Parish

Council is in two areas, Grindon East and is mainly Wynyard Park and Grindon West which consists of Thorpe Thewles and The Elms near Junction Road. Over the years the demands and needs of these communities in Grindon West and Grindon East have become more and more diverse due to the number of houses in each area. There are approximately 800 houses in Wynyard and another 400 planned making a total of 1200 whilst in Grindon West there are approximately 200 homes. There is a strong feeling among some residents that Grindon Parish Council should be split into separate areas and manage their own affairs.”

Under the Local Government and Public Involvement in Health Act 2007 a principal council had the power to undertake a community governance review, and must set terms of reference that allow for the petition to be considered. The petition received contains in excess of 187 valid signatures and it was therefore valid.

The DCLG had produced guidance for Principal Councils on undertaking community governance reviews and it had been duly considered in the proposed approach. The guidance highlighted the legislative requirements that a review must have regard to, namely that it:-

- reflected the identified and interests of the community in the area under review, and
- was effective and convenient

Influencing factors that should also be considered were:-

- the impact of community governance arrangements on community cohesion, and
- the size, population and boundaries of a local community or parish

The proposed approach to undertaking a community governance review would commence with Council approving a terms of reference for the review, this must clearly identify the matter/s on which the review was to focus and would therefore include the aims of the review, reference to the legislation that guides it, how the Council proposes to consult, and a timetable that recognises that the review must conclude within 12 months from receipt of a valid petition (received 2016). Terms of reference were attached to the report.

Following Cabinet consideration of the terms of reference on the 1 December and recommendation to Council to approve, Council on the 15 December would be asked to agree and to publish the Terms of Reference and notify key stakeholders. Views would be sought from Local Government electors and key stakeholders from 9 January 2017 until 28 February 2017.

The key stages of the review were as follows:-

Consultation with all Local Government Electors in the area 9 January 2017 – 28 February 2017

Consideration of the wider forms of Community Governance in the area 9 January 2017 – 28 February 2017

Initial findings are considered and draft proposals presented for consideration by SMT 13 March 2017

Cabinet meeting 20 April 2017 would consider findings.
Draft recommendations to Council 3 May 2017
Consult on draft proposals 8 May 2017 to 31 May 2017
Final recommendation to Cabinet 15 June 2017
Final recommendation to 21 Council June 2017
Final Recommendations and reasons for the decision published and stakeholders informed on 22 June 2017
Recommendations implemented from 1 December 2017 (if changes are required to Parish Boundaries)
Implementation will be dependent upon publication of a re-organisation order

An integral part of the review was to consult with the local government electors for the area under review and any other person or body, including a local authority (i.e. the Parish Council) who appeared to have an interest in it.

A range of consultation mechanisms were proposed including:-

- A letter to every local government elector explaining the issue with a consultation reply slip attached that asking for views. A business reply envelope would be provided
- Review Notices will be placed on the web, in Municipal Buildings, Billingham Customer Services, and displayed within the Parish
- An item will be placed on the Parish Council agenda meeting to raise awareness
- Awareness raising with Ward Members via letters and a Member drop in session.
- A letter to the Locality Forum advising the review is ongoing
- Press releases at each key stage
- Stockton News Article

Key Stakeholders would include:-

- Lead Petitioner
- Residents' Groups
- Ward Councillors
- Grindon Parish Council
- MP

RECOMMENDED to Council that:-

- 1. A Community Governance Review of Grindon Parish commences following the receipt of the valid petition from residents.**
- 2. The Terms of Reference for the Review, timetable and consultation programme be agreed.**

CAB **Evacuation Procedure**
107/16

The evacuation procedure was noted.

CAB **Evacuation Procedure**
108/16

The evacuation procedure was noted.

