

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Thursday, 21st March, 2013 at 6.00pm
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor S Turner (Chair)
Councillor Boleyn (Vice-Chair)
Councillors Attwood, Casey, Harley, J Jones, Marrey, Mrs Simms, Sykes and Mrs Walker; Mrs Coulter, Mr Lynch, Mr Taylor, Mr Tinsley, Mr Ridney and Mrs Verdegem.

OFFICERS

Health Reform Programme Lead – Lead Officer to the Committee; Director of Children's Services, Assistant Directors of Children's Services (Education Services) and (Quality and Partnership), and the Democratic Services Manager (Directorate of Corporate Resources).

ALSO IN ATTENDANCE

The Cabinet Member for Integrated Children's Services (Councillor Crumpton).

WITNESSES GIVING EVIDENCE TO THE SCRUTINY COMMITTEE

Ian Austin MP, Andy Griffiths (Head teacher of Ellowes Hall School), Alison Pell (Head teacher - Hawbush Primary School), Stephanie Sherwood (Head teacher - Dormston School).

OBSERVERS

Councillors Ali, Foster and Ridney.

30

CHRISTINA EDKINS

Prior to the formal business, the Chair referred to the tragic circumstances surrounding the death of Christina Edkins, a pupil at Leasowes High School, on 7th March, 2013. The Committee observed a period of silence as a token of respect to the memory of Christina Edkins.

31

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Arshad, Mrs Billingham and Bills; Mr Songole, Reverend Wickens and Mrs Ward.

32 SUBSTITUTE MEMBERS

It was reported that Councillors Harley and Sykes were serving in place of Councillors Mrs Billingham and Bills for this meeting of the Committee only.

33 DECLARATIONS OF INTEREST

The Chair informed the Committee of his employment by Ian Austin MP, who was present at the meeting and would give evidence to the Committee under Agenda Item No. 10.

Members of the Committee, who were also school governors, reminded the meeting of the individual schools with which they had such an association.

34 MINUTES

In connection with Minute No. 26 (Revenue Budget Strategy 2013/14), a Member questioned the inclusion of a resolution in the Minute as she was of the opinion that no such resolution had been put to the meeting. The Chair stated that the resolution reflected the recommendation in the report, which was to note the proposals. An undertaking was given to review the Minute in consultation with the relevant Democratic Services Officer.

RESOLVED

That, subject to the comments set out above in relation to Minute No. 26, the Minutes of the meeting of the Committee held on 14th November, 2012 be approved as a correct record and signed.

35 SCRUTINY – A NEW APPROACH FOR THE CHILDREN'S SERVICES
SCRUTINY COMMITTEE

The Committee received a report of the Lead Officer on a review of the Council's scrutiny arrangements in advance of the 2013/14 municipal year. As a 'pilot' of the proposed intention for Scrutiny Committees to focus on identified themes, the theme of this meeting would be 'journey to improvement' taking account of the legislative background, school performance data, Ofsted outcomes, future developments, the role of the local authority and the views of invited witnesses.

A Member expressed concerns as to how the arrangements for this meeting had been developed without wider consultation, particularly in relation to the invitation of witnesses. Reference was also made to the fact that the Scrutiny review had not been approved by the Cabinet as indicated in the Lead Officer's report.

The Chair stated that the Council's governance arrangements were under review and that as the first phase of this, the Community Forums had been launched. The Council had agreed that the existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented to the Council in advance of the 2013/14 municipal year. This review was being led by Scrutiny Chairs. As part of this process, it had been suggested that this Committee undertake a 'pilot' scrutiny of a single themed subject. Scrutiny Chairs would review the pilot in advance of recommendations being submitted to the Cabinet and Council. At this stage, no final decisions had been taken on the scrutiny review.

The Chair expressed his thanks to the Lead Officer for making the arrangements for this meeting at short notice. All learning points would be used to inform the development of the Council's future overview and scrutiny arrangements.

STANDARDS REPORT – PERFORMANCE DATA

The Committee received a report of the Director of Children's Services on the validated data available concerning the performance of schools in the Borough. The Director of Children's Services and the Assistant Director (Education Services) gave a detailed presentation on the statistical information in the report and provided updates and responses to individual points raised by the Scrutiny Committee.

In the discussion concerning the Early Years foundation stage and Key Stage 1 statistics, a Member queried the costs of the training programme referred to under the heading of support for Dudley Schools and asked if any schools had declined the support. The Assistant Director of Children's Services undertook to provide a breakdown of the available information.

A Member questioned why special school representatives had not been invited to attend the Scrutiny Committee. The Director of Children's Services undertook to provide Ofsted outcomes concerning special schools. Although it was accepted there were difficulties in making statistical comparisons, the Committee felt that it would have been appropriate to invite a representative from a special school to give a more holistic view.

Reference was made to the comment in the report that evidence from schools suggested that teaching, which met the needs of individual children, had reduced the number of children being considered for statements of educational need. The Assistant Director (Education Services) undertook to provide additional information concerning this point.

In relation to Key Stage 2 information, reference was made to the position of Dudley in the national performance tables. In acknowledging that the 2012 figures had been disappointing, the Assistant Director (Education Services) referred to the need to view the trended information over a longer period of time and noted that there was evidence of continued improvement over the last 10 years. The Director of Children's Services assured the Committee that efforts were being maintained, in partnership with Schools, to ensure continued improvements for the future. The Director stated that the target was for every school to be a good school.

In the discussion on the Key Stage 3 and 4 information, the Committee referred to issues associated with parent and carer support to supplement learning within schools at all stages of a child's educational development. A particular concern had been raised in relation to mathematics and the Committee supported further work to promote support amongst parents and carers. The Committee referred to the key emphasis placed on mathematics and English results and the ongoing support to schools to address improvements.

Members noted the work to improve outcomes relating to Looked After Children. The progress compared favourably to the national average, however, it was acknowledged that further work was needed to maintain progress for the Council as a corporate parent. The Director of Children's Services indicated that Dudley MBC had given evidence to a Parliamentary Select Committee in recognition of the support it provided to Looked After Children.

Reference was made to a national review of the GCSE process and GCSE equivalent courses, such as those with a vocational element. The review presented a range of challenges to all authorities as it had been indicated nationally that the GCSE or equivalent qualifications would be harder to obtain in the future.

In relation to the Key Stage 5 information, the Director of Children's Services reported that effective working relationships were maintained with colleges to ensure that a suitable range of courses were available. The Chair indicated that post 16 education issues would be considered by the Committee at future meetings. In response to a specific question from a Member, the Director of Children's Services undertook to provide a definition of the term 'size' as included in the table in the report.

RESOLVED:

- (1) That the report and the comments of the Committee be noted.
- (2) That the Committee support the ongoing work to encourage greater parent and carer support to supplement learning within schools at all stages of a child's educational development.
- (3) That, in connection with (2) above, the Committee endorse the further work to promote support in relation to mathematics as an identified area for improvement.

- (4) That the thanks of the Committee be extended to all Schools and officers involved for their ongoing endeavours to improve the performance of Schools in the Borough.
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37 DUDLEY SCHOOLS OFSTED OUTCOMES

The Committee considered a report of the Director of Children's Services on Dudley Schools Ofsted outcomes in the period April 2012 to December 2012.

The Committee noted the report and the comments of the Assistant Director (Education Services) that the report only included schools assessed in the period covered by the report. Additional changes to the Ofsted inspection framework had now been introduced. These changes raised the level of the inspection criteria leading to additional challenges for all schools inspected under the new framework.

38 THE ROLE OF THE LOCAL AUTHORITY – THE COUNCIL'S STATUTORY DUTIES IN REGARD TO SCHOOL PERFORMANCE

The Committee received a report of the Director of Children's Services giving an outline of the statutory powers and duties of the Council in relation to school/educational performance. The Assistant Director (Education Services) gave an overview of the significant changes in the role of the local authority in the context of the statutory duty to pay due attention to the quality of education and educational outcomes.

A Member referred to the implications for the delivery of statutory duties in the context of the increasingly limited and declining resources available to the local authority. The Director of Children's Services acknowledged that this was an issue for all public authorities. Funding would continue to be sought from any available sources to support the work of the Directorate. Reference was also made to the changing relationship whereby funding was provided to schools directly and the local authority retained a role to ensure that resources were used effectively.

In response to a question from a Member, the Director of Children's Services referred to the arrangements under which an academy school had the option to 'buy back' services from the local authority. Reference was made to a potential situation whereby an academy school refused support from the local authority, potentially putting the authority at risk of breaching statutory obligations. The Director expressed the hope that all academies would engage with the local authority, however, there was an option to write to the Department for Education or Ofsted expressing concerns if necessary. It was acknowledged that many issues relating to academy schools were still evolving.

The Committee heard representations from the following witnesses, who had been invited to give evidence to this meeting of the Scrutiny Committee.

- (a) Ian Austin MP submitted his views on making education and skills the main priority in the Borough; improving school standards; the need to follow good practice examples of leadership; focus on improvements in English and mathematics; issues relating to the higher standards demanded nationally and the need to attract new investment to the Borough with the associated need to develop the skills required and local job opportunities. Reference was made to the setting of ambitious targets for the improvement of educational standards and to establish a long-term ambition to develop University facilities in the Borough. These aspirations would have the effect of creating opportunities for Dudley residents, similar those afforded to people anywhere else in the country.

Following the presentation, the Committee asked questions and expressed views on the evidence submitted. In particular, a Member referred to the forthcoming national changes to rules for GCSE examinations, which would have significant implications on any targets set locally. If any targets set locally were unrealistic and not achievable, they might have an adverse and negative effect. However, there was a general view that the Council needed to adopt a strategic plan to aspire to make continued improvements over the short, medium and longer term.

A Member referred to the length of the school day and the summer school holidays and the possibility of doing more to engage children in learning activities during this time. However, it was acknowledged that this needed to be considered across the spectrum of educational provision. The Chair emphasised that education was already considered as a key priority of the Council.

Reference was made to the closure of schools for use as polling stations during elections. It was agreed that representations be made to the Chief Executive, in his capacity as Returning Officer, to review the use of schools as polling stations to avoid unnecessary and avoidable school closures.

The Committee thanked Ian Austin MP for attending the meeting and for his contribution to the discussion. Mr Austin concluded by commending the college developments in Dudley Town Centre and expressed the hope that Dudley would have a University Technical College (UTC) at some point in the future.

- (b) Andy Griffiths (Head teacher of Ellowes Hall School), made submissions to the Committee concerning the leadership approach adopted by his school and the associated improvements that had been demonstrated in recent achievements by the School. Specific mention was made to the improvements in mathematics results and the ongoing efforts in this subject area. Mr Griffiths acknowledged improvements in the support provided to the School by the local authority.

A Member referred to the focus on English and mathematics and the possible detrimental effects on other subjects forming part of the curriculum. The Committee noted the importance placed on these subjects in the judgements made by Ofsted.

The Committee acknowledged the achievements of Ellowes Hall and thanked Mr Griffiths for his attendance and contributions to the meeting.

- (c) Alison Pell (Head teacher - Hawbush Primary School) referred to the vision of offering opportunities for life and the clear aspiration to strive for better results, taking account of each child as an individual. Reference was made to the systems in place to monitor the progress of each child and understand their needs.

Ms Pell commented on the relationship with secondary schools to achieve shared aspirations. She referred to the progress made by the school in relation to continuous improvement and thanked the local authority for the new building, which had improved the facilities at Hawbush Primary School.

The Committee noted the view that a good school environment made a positive contribution to improving overall performance. The Cabinet Member for Integrated Children's Services congratulated the school for their work with the local community.

In conclusion, Ms Pell thanked the local authority for the ongoing support, particularly through the development of School Improvement Plans. The Committee acknowledged the achievements at Hawbush and thanked Ms Pell for her attendance and contributions to the meeting.

- (d) Stephanie Sherwood (Head teacher - Dormston School) made representations to the Committee on particular challenges to be addressed by her School following comments made on the 2012 examination results. She referred to significant challenges associated with working with parents and opportunities for working in partnership with other agencies to address issues, which were not solely the responsibility of the school in isolation.

In relation to examination results, reference was made to the system changes in August 2012, which had resulted in significant and detrimental implications for the anticipated results, particularly in mathematics. Ms Sherwood outlined the work undertaken to address issues that had been identified as requiring attention with a view to making future improvements with the support of the local authority. The intention was to do the best possible for each individual child and the School accepted the need to make improvements.

The Committee expressed concern about the frequency of changes to the inspection framework and the associated requirements of Ofsted. Members expressed the view that the best interests of each child should be the paramount consideration in all circumstances notwithstanding the targets set. Reference was again made to the potential impact of national changes in GCSE examination requirements and grade boundaries.

The Cabinet Member for Integrated Children's Services apologised and expressed regret for any difficulties that had been caused to Dormston School following inaccurate quotes that had appeared in the press relating to the examination results in 2012. The Committee acknowledged the ongoing work at Dormston School and thanked Ms Sherwood for her attendance and contributions to the meeting.

(The meeting stood adjourned at 8.50pm and reconvened at 8.55pm)

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LOCAL AUTHORITY RESPONSIBILITIES IN RELATION TO THE QUALITY OF EDUCATION

The Committee received copies of a presentation from the Director of Children's Services on Local Authority Responsibilities In Relation To The Quality Of Education. The presentation outlined that the local authority was striving for the best possible outcomes on the overall 'journey' for every school to be a good school. The presentation would be used as the basis of ongoing discussions with school governors and head teachers.

The presentation provided evidence of the work of the Directorate of Children's Services to support schools, discussed the likely expectations of future inspections and demonstrated work towards future improvement.

A Member commented on the role of the Scrutiny Committee and the need to demonstrate practical outcomes from scrutiny. The Chair acknowledged the need for Scrutiny Chairs to reflect on practical experiences in refining future proposals. This meeting had been intended as a pilot and the new approach to scrutiny would be developed further in the 2013/14 municipal year.

The Chair thanked the Lead Officer and the Director of Children's Services for their efforts in making the arrangements for this meeting at short notice.

41 RESPONSE BY CABINET MEMBER FOR INTEGRATED CHILDREN'S SERVICES

The Cabinet Member for Integrated Children's Services noted all the comments made by the Committee and expressed his support for the culture of 'working together'. Reference was made to the need to make the best use of the resources the authority had available to achieve improvements, including the extended use of school facilities beyond the usual hours to support adults in assisting with their children's development.

Particular concern was expressed regarding the local impact of the frequency of changes made nationally in relation to targets for schools and the associated requirements of Ofsted.

The Cabinet Member expressed the view that a more unified approach was necessary for local authorities to challenge the Government and Ofsted in this regard. He urged a more co-operative approach in the future with everyone working together to meet the challenges associated with the 'journey to improvement' and to focus on the associated outcomes for all concerned.

42 MR D PERRETT, ASSISTANT DIRECTOR OF CHILDREN'S SERVICES (EDUCATION SERVICES)

The Committee noted that Dave Perrett (Assistant Director of Children's Services - Education Services) would shortly be leaving the authority and this would be his last meeting of the Scrutiny Committee. The Chair thanked Mr Perrett for his services to the Council and wished him success in the future.

43 QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 AND INFORMATION ITEMS

There were no questions asked under this agenda item.

The meeting ended at 9.28 pm

CHAIR

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

Wednesday 27th March, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Ridney (Chair)
Councillor K Finch (Vice-Chair)
Councillors Cowell, Elcock, Harris, Hemingsley, Kettle, Mrs Rogers, Vickers and C Wilson

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Head of Service (Private Sector Housing), Head of Service and the Scrutiny Officer (Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance

Councillor Waltho – Cabinet Member for Adult and Community Services
Ms Laura Broster – Head of Communication, Dudley Clinical Commissioning Group
Mr Derek Eaves – Dudley Group of Hospitals NHS Foundation Trust
Ms Mandy Green – Communications Manager (Dudley and Walsall Mental Health Partnership NHS Trust)
Mr Howard Finegan – Primary Care Project Manager
Dr Paul Harrison – Medical Director
Mr Paul Maubach – Dudley Clinical Commissioning Group

37 APOLOGY FOR ABSENCE

An apology for absence was received on behalf of Councillor Roberts.

38 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 26th February 2013 be approved as a correct record and signed.

39 PUBLIC FORUM

(a) Kate's Hill Surgery

The Chair referred to a question that had been submitted to the Castle and Priory/ St James's/St Thomas's Community Forum at its last meeting, which had subsequently been referred to this Committee for consideration. The questioner was not in attendance and the Chair reported that the questioner had referred to the decision made on the closure of Kate's Hill Surgery and had commented that it would consequently lead to the dispersal of 1500 residents and had posed the following two questions:-

- (1) Has the Health Scrutiny Committee done enough to look after the rights of residents to continuity of care and quality care?
- (2) What is the Council doing to specifically defend the health of residents in this very needy ward?

Mr Howard Finegan, Primary Care Project Manager was in attendance and explained that the Practice would close the following day. The list size at the Practice had only reached approximately half the contracted levels and this had resulted in financial difficulties for the Provider following the ending of minimum income guarantees after year two of the contract. The Commissioner and Provider had been in discussions for several months to explore alternatives to an early end to the contract. Any significant change to the original Financial Model Template fell outside what the Commissioner was able to achieve, therefore an alternative to the termination of the contract was not available.

Mr Finegan stated that it was with great regret that the Provider gave notice that they would not be able to continue with the service beyond March 2013 due to financial difficulties. The Commissioner accepted the notice and the parties agreed to work together through a suitable Exit Plan. Talks between the Provider and Commissioner were conducted confidentially until early January 2012 when patients and staff were notified of the closure. Confidentiality was requested by the Provider on the basis that to do otherwise would destabilise the Practice. The Commissioner consulted internally during this period regarding the impact of termination of contract at the end of year three and sought legal advice throughout and due consideration had been made to procurement law and full consideration had been given to the issues around displaced patients.

The small list size at the Practice (1431 at the start of January 2013) meant that it had not been viable to go to the market, a formal tender was therefore not appropriate. This had been based on a number of factors such as the fact that a tender exercise would have been based on a far less favorable Financial Model Template. A proposal to disperse patients had been accepted by the FHS Functions Committee in January 2013 following submission of a report that detailed the options and the capacity of other local Practices. Listed patients had been written to on three separate occasions, explaining the closure and offering further advice and support to patients seeking an alternative listing. There were three other Practices within a very short distance of the Kate's Hill Site, each with capacity and desire for an increase in their own list sizes and these Practices had been consulted over the closure.

Mr Finegan then presented statistical information in that the list size comprised 1431 patients as at 29th January, 2013 and of the 1431 patients, 454 came to the Practice from the three other local Practices over the three years. Less than two thirds (886 or 62%) of the total number of patients came to the Practice from other Dudley Practices (including those from local Practices). The remaining patients (545) on the list came to the Practice from out of the area.

The Commissioner had not conducted any recent analysis of the local / out of area distribution of the patients currently remaining on the list however, previous experience had led to the belief that patient dispersal accelerated in the remaining weeks and days of a contract. As at 21st March, 2013 approximately 500 patients had moved from the Practice. The Commissioner and Provider had liaised closely throughout this process to minimise any identified risks and the Commissioner would continue to provide information and support to those patients who had yet to approach an alternative General Practitioner Practice.

Members expressed concern at the late submission of this item to the Committee and suggested that in future proposals or decisions such as this be submitted to the Committee in sufficient time to allow proper scrutiny to take place. It was also suggested that an update report on this issue be submitted to the next meeting of the Committee. It was requested that the report should detail information on the strategic care of people in that area and statistics to show that their health had not suffered and also show any improvements in their health.

The Chair indicated that a written response would be submitted to the questioner.

RESOLVED

- (1) That the Scrutiny Officer be requested to provide a written response to the questioner.
- (2) That an update report on the strategic care, to include information on whether the health of people in the St Thomas's area had suffered or improved since the closure of the Practice, be submitted to the next meeting of the Committee.

(b) The Future of New Bradley Hall

Mr Mac Scott was in attendance at the meeting and spoke on the future of New Bradley Hall.

He stated that he had previously raised the issue at a meeting of the Council in November, 2011. At the meeting of the Cabinet held in June 2012, the decision was made that New Bradley Hall should remain open as a residential care home for long term residents for the duration of their stay for current residents and for the foreseeable future and that a Stakeholder Working Group comprising Members of

both political groups and other stakeholders be set up to consider the full range of the wider implications for all older people in the Borough. Mr Scott indicated that only one official meeting of that Working Group had been held last year and he asked the Committee what proposals they had considered for the future of New Bradley Hall for the foreseeable future.

In responding the Cabinet Member for Adult and Community Services reported that he had supported the decision for New Bradley Hall to remain open. He referred to the Stakeholder Working Group and indicated that this had been an information gathering exercise and he commented that he had hoped that elderly vulnerable residents would have attended that group to ascertain their views. Following the Stakeholder Working Group meeting the information was considered and discussions had been held with Mr Scott and it had been agreed that a conclusion on the matter be deferred pending consideration of the Council's budget. Since then a Cabinet Advisory Meeting had been held and consideration was being given to a possible range of options. Reference was made to "foreseeable" and the Cabinet Member stated that this would be a couple of years and a guarantee was given that consideration was being given to various options.

40 PRESENTATION ON MORTALITY INDICATORS

A presentation regarding the recent announcement by the National Health Service Medical Director to review fourteen Trusts with historically high mortality indicators and mortality indicators appertaining to the Dudley Group was received.

Arising from the presentation of the report Dr Harrison undertook to provide figures on the percentage of patients at Russells Hall from across the Borough with terminal conditions that had died at home.

A Member suggested that the outcomes and recommendations, as contained in Chapter Six of the Francis Report on Mortality Indicators, be included as an agenda item to the next meeting of the Committee.

RESOLVED

That the presentation given on the recent announcement by the National Health Service Medical Director to review fourteen Trusts with historically high mortality indicators and mortality indicators appertaining to the Dudley Group, be noted.

41 DIGNITY IN CARE REVIEW – FOLLOW UP

A report of the Lead Officer to the Committee together with information from the Dudley Group National Health Service Foundation Trust was submitted arising from the Committee's 2010/11 review on the theme of Dignity in Care in hospital settings.

RESOLVED

That the information contained in the report, Appendices to the report submitted and presentation given, arising from the Committee's 2010/11 review on the theme Dignity in Care in hospital settings, be noted.

42 UPDATE ON SERVICE IMPROVEMENT PLANS FOR PATIENTS WITH DIABETES

A report of the Head of Service Improvement, Dudley Clinical Commissioning was submitted on the role of Clinical Commissioning Groups (CCGs) in ensuring people with diabetes and those at risk of diabetes received the best care and support available.

Arising from the presentation of the report and in responding to Members' questions, it was reported that prevention work was utmost and information was communicated via posters, websites and various booklets. Work was also ongoing with schools to target young people via healthy school projects, School Advisers and exercise groups whereby young people at risk were identified and referred to their General Practitioners for proper testing. With regard to the waiting times from diagnosis it was indicated that there had been no cases in February that had waited for more than six weeks, however, there was an issue with variations across the patch for dieticians and chiropodists and consideration was being given to a service model.

RESOLVED

That the information contained in the report submitted, on the role of Clinical Commissioning Groups in ensuring people with diabetes and those at risk of diabetes received the best care and support available, be noted.

43 HOUSING ADAPTATIONS

A report of the Director of Adult, Community and Housing Services was submitted on the current position relating to the provision of adaptations to private and public sector housing in the borough.

Arising from the presentation of the report the Head of Service Private Sector Housing undertook to provide Members with information on how long the Occupational Therapist posts had been vacant.

RESOLVED

That the information contained in the report submitted, on the current position relating to the provision of adaptations to private and public sector housing in the borough, be noted.

The meeting ended at 8.30 p.m.

CHAIR