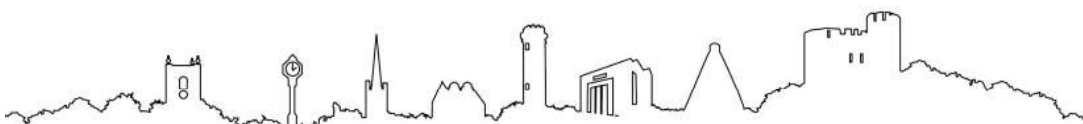


Meeting of the Future Council Scrutiny Committee

Wednesday, 23rd November, 2022 at 6.00pm
In Committee Room 2, Council House, Priory Road, Dudley

Agenda - Public Session **(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 12th October, 2022 as a correct record. (Pages 5 – 17)
5. Public Forum
6. Digital and Technology Services Update (Pages 18 - 24)
7. Update on Council House Refurbishment Presentation (Pages 25 - 41)
8. Future Council Scrutiny Progress Tracker and Future Business (Pages 42 - 47)
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).





Chief Executive

Dated: 15th November, 2022

Distribution:

Councillor E Lawrence (Chair)

Councillor A Davies (Vice-Chair)

Councillors S Ali, C Barnett, T Creed, P Dobb, J Foster, M Howard, I Kettle, A Lees, T Russon, P Sahota and K Shakespeare

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Democratic.Services@dudley.gov.uk

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**Minutes of the Future Council Scrutiny Committee
Wednesday, 12th October, 2022 at 6.00 pm
In Committee Room 2, The Council House, Priory Road, Dudley**

Present:

Councillor E Lawrence (Chair)

Councillors S Ali, C Barnett, R Collins, T Creed, J Foster, M Howard, I Kettle, A Lees, M Rogers, T Russon and P Sahota.

Officers:

K O’Keefe (Chief Executive), J Branch (Assistant Director of People and Inclusion), N Bridger (Senior Manager Human Resources Delivery and Intelligence), K Jesson (Human Resources Delivery Manager - Business Partnering and Intelligence), J Martin (Human Resources Delivery Manager - Employee Relations) and K Taylor (Democratic Services Officer).

Also in attendance:

Councillor S Keasey – Cabinet Member for Commercialisation and Human Resources;

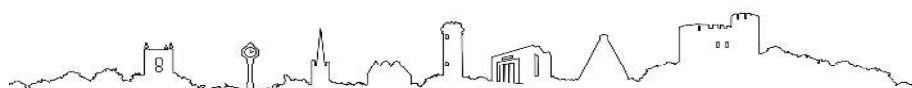
G Gibbs – GMB Union Representative.

18 Apologies for Absence

Apologies for absence were received on behalf of Councillors A Davies and P Dobb.

19 Appointment of Substitute Members

It was noted that Councillors M Rogers and R Collins had been appointed as substitute Members for Councillors A Davies and P Dobb, respectively, for this meeting of the Committee only.



20 **Declarations of Interest**

For transparency purposes, Councillors S Ali, C Barnett, J Foster and P Sahota declared a non-pecuniary interest as current Members of Trade Unions.

21 **Minutes**

Resolved

That the minutes of the meeting held on 7th September, 2022 be approved as a correct record and signed.

22 **Public Forum**

No issues were raised under this agenda item.

23 **Call-In of Decision Sheet – Changes to the Council’s Disciplinary Policy and Procedure to cease elected Member involvement in Disciplinary Appeals**

A report of the Monitoring Officer was submitted to respond to the call-in of the decision of the Cabinet Member for Commercialisation and Human Resources concerning changes to the Council’s Disciplinary Policy and Procedure to cease elected Member involvement in Disciplinary Appeals. The decision had been called-in at the request of five Members of the Future Council Scrutiny Committee in accordance with the Scrutiny Committee Procedure Rules, as set out in the Council’s Constitution. A copy of the decision sheet relating to this item was circulated, together with the procedure to be followed at the meeting, as outlined by the Chair.

The Chair invited the Cabinet Member for Commercialisation and Human Resources to make representations concerning the decision and in doing so referred to the importance of maintaining a clear demarcation between the role of elected Members and officers. It was emphasised that the proposed change did not diminish the role of Members, but emphasised their decision-making role on strategic policies, whereas Officers were responsible for management and operation in accordance with approved policies and procedures.

It was reported that Members of the Appointments Committee were responsible for the appointment of the Deputy Chief Executive and Directors and recommending to Full Council the appointment of the Chief Executive and designation of statutory officers.

It was noted that all other employment matters were delegated to the Chief Executive in his capacity as Head of Paid Service, and officers in discharging their managerial and operational responsibilities in accordance with Human Resources policies. Many appeals against dismissals, including those with grounds of ill health and performance capability, redundancy, and stage three absence dismissals, had been considered by senior officers for a number of years.

The Cabinet Member for Commercialisation and Human Resources confirmed that appeals heard by Elected Members were in relation to employee dismissals on the grounds of gross or further misconduct only. The proposed amendments would ensure a consistent approach in dealing with employee dismissals across the Council, by bringing the process within the Disciplinary Policy in line with all other dismissal appeal processes used by the Council as the Employer.

The complexity of employee relations cases, in particular those on the grounds of gross misconduct, occupied a significant amount of time and resources. In addition, in recognising the potential challenges to Elected Members, if called to give evidence as a witness on behalf of the Council, in the event of an Employment Tribunal, it further endorsed the need in reviewing the Council's Disciplinary appeal arrangements.

Recent benchmarking investigations identified that a number of Local Authorities in the region had also decided to cease elected Member involvement in employee dismissal appeals.

The Chief Executive was then invited to make his representations, and in doing so emphasised his priority in serving all Councillors and referred to the Scheme of Delegation, set out in the Council's Constitution, outlining the responsibility of the Chief Executive, as Head of Paid Service, in the coordination of appropriate resources and recruitment of employees. Directors and Managers also had delegated authority in dealing with employment matters.

It was noted that statutory officers, including the Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended by the Appointments Committee whilst an investigation was undertaken into alleged misconduct. In the event of a recommendation of dismissal of those officers was considered an appropriate action, that final decision would be undertaken by full Council only.

The Chief Executive further emphasised that the purpose of the amendment was not to limit the legal rights of employees but to streamline the process and ensure consistency. It was further reiterated that the proposals only related to employee dismissals on the grounds of gross or further misconduct.

The Assistant Director of People and Inclusion was then invited to make her representations and in doing so referred to the increasing complexity and variety of cases that were investigated for alleged gross misconduct including professional breaches in codes of practice and safeguarding and/or criminal matters. In some cases, subject matter experts were appointed to provide specialist advice, particularly when dealing with cases relating to Children and Adult Services due to the requirements associated within professional Codes of Practice and legislative regulations.

It was evident that the increasing level of complexity in such cases was one of the reasons other Local Authorities reviewed their own disciplinary appeal arrangements resulting in the cessation of elected Members in appeals panels.

Members were then given the opportunity to ask questions and make comments and responses were given where appropriate as follows: -

- a) As an Elected Member having previously attended the Appeals Committee, Councillor R Collins acknowledged the complexity of the cases, and referred to her experience. Without the appropriate training or qualifications she considered herself unqualified to make an appropriate decision. She agreed that consistency was needed in this area and that Elected Members should not be involved with employment matters.
- b) Councillor P Sahota expressed concern of the lack of information contained within the Decision Sheet relating to Equality Impact and queried whether an Equality Impact Assessment had been undertaken. He also indicated that the decision sheet did not summarise the background of how the decision was considered and made.

- c) Although Councillor P Sahota acknowledged the Council's intentions in moving forward, as a non-Human Resources person, he had concerns about the proposed cessation of elected Member involvement and the decision-making process that had been undertaken, which he considered undermined the ability to scrutinise this area. He referred to the Equality and Diversity Strategy implemented by the Local Authority that aimed to protect employees, and as Human Resources were supporting the Cabinet Member's decision, it appeared that this was a backward step in providing support to employees in this area.
- d) Councillor P Sahota sought clarification on the measures implemented by neighbouring Local Authorities in protecting and supporting their employees in relation to disciplinary matters.

In responding to comments made, the Chief Executive assured the Committee of his dedication and ethos of ensuring equality, diversity, and inclusion support for employees, and shared examples of measures implemented by the Local Authority including the independent external review by BRAP (Birmingham Race Action Partnership) during 2021 into race equality in employment across the Council. He also emphasised that the purpose of the decision sheet was to streamline the process and referred Members to the equality impact implications, as outlined in page 24 of the report submitted.

The Assistant Director of People and Inclusion gave assurances that the amendment would not withdraw employees right to appeal against dismissal or any formal disciplinary action taken. Reference was made to the Disciplinary Policy and Procedure, which was clear on ensuring that all employees were treated fairly, and she reiterated that the revised process would not cause this to be undermined. It was noted that a summary of the disciplinary procedure outlining the Chairs and Advisors to each disciplinary hearing was circulated to Members prior to the meeting. A review of the existing policy would be undertaken, and Members were advised that discussions had commenced on the monitoring of disciplinary matters.

- e) Councillor P Sahota acknowledged comments made, however, considered that it was the Council's responsibility to ensure that Elected Members received the requisite training as appropriate and stated that this was an opportunity to strengthen the process, empower Members in their ability to make decisions, and provide reassurance to employees.

At this juncture, the Human Resources Delivery Manager - Employee Relations provided an overview of the complexities associated with disciplinary cases over the last two years. In cases where professional breaches in codes of conduct/practice had been made, it was recommended that those considering the appeal should have knowledge of the associated legislation. It was reported that legislative training had not been provided to Elected Members due to the extensive scope of matters that could constitute gross or further misconduct.

- f) In responding to comments made by Councillor S Ali where he considered that there was no evidence to indicate that an Equality Impact Assessment had been carried out during the decision-making process, the Senior Manager Human Resources Delivery and Intelligence assured Members that Equality Impact Assessments were undertaken by Officers and referred to the work with the Equality, Diversity and Inclusion Manager on reviewing wording, accessibility and ensuring that protected characteristics were considered.
- g) Councillor S Ali requested an overview of how the process had worked up until now and sought clarification on the definition of a Key Decision, as it was suggested that financial implications should be considered in view of the potential increase of Employment Tribunals resulting in additional legal costs for the Council.

In responding, the Chief Executive outlined the definition of a Key Decision as described in the Constitution and stated that in view of the qualified Directors and Officers employed in the Council that were considering complex disciplinary cases, evidence would be needed to persuade him that the amendment would increase the number of court cases resulting in expenditure above £250,000 as defined in the Constitution.

- h) Councillor C Barnett sought clarification on the reasons why Elected Members had been involved in employee dismissals on the grounds of gross or further misconduct, given the complex nature of the cases. He also stated that it appeared that Members were present as witnesses only during the decision-making process.

In responding, the Chief Executive confirmed that Elected Members were appointed to the Appeals Committee as decision makers and were responsible for considering each case based on the evidence presented. It was noted that in the case of Employment Tribunals, Elected Members could be invited as witnesses and would be accountable, and potentially cross-examined, on the decision made.

- i) In responding to a question raised by Councillor C Barnett, the Chief Executive confirmed that an Independent Person or Expert would not be employed by the Local Authority for consideration of disciplinary cases.
- j) Councillor J Foster echoed comments made by Councillor C Barnett and queried why the proposals were only considered now given that several legislation changes had been implemented in previous years. It was considered that the decision sheet did not outline any issues that had occurred with the existing process or that there had been any consultation with Elected Members including the Chair of the Appeals Committee. It was reported that had detailed evidence and information been included with the decision sheet, the request for the Scrutiny Call-In may have been avoided.

In responding, the Chief Executive emphasised the importance and priority in maintaining a safe operating environment for Members and reiterated the challenges faced by Members and possible exposure to public media, should they be requested to attend Employment Tribunals as witnesses.

In referring to the lack of consultation, the Assistant Director of People and Inclusion confirmed that she had discussed the proposals with Councillor J Foster and the Chair of the Appeals Committee. In responding, Councillor J Foster considered that all Members should have been consulted and that Members' qualifications and expertise could have been considered for appointments to the Appeals Committee.

- k) Councillor A Lees shared his concern that Elected Members were involved in such complex cases and considered the role of Members as non-executive with responsibility in setting policy and budget setting, with officers accountable to implementing policy and decisions accordingly. He further supported comments made by the Cabinet Member on the need for the demarcation between the role of Elected Members and Officers.
- l) In responding to comments made by Councillor T Russon, the Senior Manager Human Resources Delivery and Intelligence concurred that the protection of Members was a predominant consideration for the Local Authority and referred to the potential impact to individuals and their professional career in the long-term in the event that a recommendation for dismissal of those officers was considered an appropriate action.

- m) In responding to a question raised by Councillor T Creed, the Chief Executive confirmed that the Appeals Committee could either uphold the decision of the Local Authority for dismissal on the grounds of gross or further misconduct, reduce the penalty given or uphold the appellants case, and referred to his experience in chairing disciplinary hearings in his capacity as a Director in his previous employment.
- n) In responding to a question raised by Councillor I Kettle, it was confirmed that eight appeals against dismissal on the grounds of gross or further misconduct had been considered over the last two years by the Appeals Committee. In responding, Councillor I Kettle expressed caution of the complete detachment of Elected Members and suggested that one Elected Member should remain on appeals against dismissal hearings.

The Senior Manager Human Resources Delivery and Intelligence confirmed that in total approximately 150-185 disciplinary investigations were undertaken each year and that the number of Employment Tribunal claims submitted was comparatively small. It was noted that the Audit and Standards Committee was informed of the number of employees that were suspended pending an investigation into an allegation of gross misconduct each year.

- o) Arising from comments made regarding the complex nature of the cases and training for Elected Members, Councillor S Ali referred to Member appointments to the Council's regulatory/quasi-judicial Committees and suggested that the existing practice should be retained with Elected Members receiving appropriate training and advice by Legal Services and Human Resources to assist with decision making.
- p) In considering the benchmarking information contained within the Decision Sheet, Councillor S Ali commented that only three Local Authorities did not involve elected Members in employee appeal hearings and that information on neighbouring authorities such as Sandwell and Walsall had not been included, and therefore considered the evidence to be inconclusive.
- q) The Cabinet Member for Commercialisation and Human Resources confirmed that he had listened to all comments made, however, although dedicated training could be provided to nominated Elected Members, in considering local elections, this would not provide the stability that was required in the long term, which could limit availability for future membership of the Appeals Committee.

- r) It was noted that the average time in considering appeals against dismissals was three months and that employment tribunal claims should be made within three months from the date of the confirmation of termination of employment.
- s) Councillor P Sahota expressed concern in relation to the proposed amendment to the Policy given that there had been no issues previously and queried whether the Local Government Association had issued best practice guidance on disciplinary matters.

In responding, the Assistant Director People and Inclusion reminded Members that the purpose of the review was to ensure consistency throughout the Local Authority and that all employee dismissals were considered by Senior Officers with the exception of dismissals relating to gross or further misconduct. It was further noted that the Council's Disciplinary Policy and Procedure incorporated the guiding principles of the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice and Guide.

At this juncture the Chair invited G Gibbs, GMB Union Representative to make representations on behalf of Trade Unions. Mr Gibbs confirmed that he had attended appeals hearings and that he understood Elected Members' role as considering each appeal based on the evidence presented in order to formulate an informed decision following advice from Legal and Human Resources representatives. It was noted that Legal representatives were no longer attending misconduct and further misconduct or serious misconduct hearings. In concluding, he requested that the Committee consider the impact and perspective of employees by removing their right for their case to be considered by Elected Members.

Councillor R Collins again referred to the potential challenges for Elected Members attending Employment Tribunals as witnesses and being requested to justify the decision made without the requisite training or qualification. It was also considered unreasonable for Elected Members with work commitments to attend Court for a period of time.

In acknowledging comments made, G Gibbs reiterated that it was the perception of staff that Elected Members considered all information presented impartially, individually and were supported by both Legal and Human Resources representatives to enable them to make an informed decision.

The Chief Executive commented positively on the scrutiny process undertaken and referred to the good working relationship between the Local Authority and Trade Union representatives.

Following all questions and contributions, the Chair asked for any final statements before the Committee proceeded to consider the matter.

During deliberations, Councillor S Ali considered that there were disparities in the process undertaken, together with insufficient information and inaccurate statements presented in relation to benchmarking information. He therefore asked that the Scrutiny Committee recommend the Cabinet Member to reconsider the decision, taking into account comments made at the meeting. He considered that there was merit for Elected Members to remain involved with the process with the appropriate training, support and guidance from Legal Services and Human Resources representatives, to give them the ability to make informed and impartial decisions.

Resolved

That the Future Council Scrutiny Committee recommends that no objection be raised to the decision in which case no further action is necessary and that the decision of the Cabinet Member for Commercialisation and Human Resources be implemented with immediate effect.

The meeting ended at 7.45pm

The Members who did not vote in favour of the resolution above reserved their right, following the meeting and with agreement by the Chair, to make a minority report pursuant to the Scrutiny Procedure Rules in the Council's Constitution. The minority report is set out in the Appendix to these minutes.

CHAIR

Minority Report

Changes to the Council's Disciplinary Policy and Procedure to cease elected Member involvement in Disciplinary Appeals

This minority report is submitted by the following Members of the Future Council Scrutiny Committee who served at the meeting on 12th October, 2022.

Cllr J Foster – Shadow Cabinet Member for Human Resources and Member of the Future Council Scrutiny Committee

Cllr C Barnett – Member of the Future Council Scrutiny Committee

Cllr P Sahota – Member of the Future Council Scrutiny Committee

Cllr M Howard – Member of the Future Council Scrutiny Committee

Cllr S Ali – Member of the Future Council Scrutiny Committee

Whilst the Committee decided, by a majority, that no objection be raised to the decision to remove elected Member involvement in Disciplinary Appeals, the above Councillors supported the recommendation to the Cabinet Member to reconsider the decision.

1. In setting out the case for the decision, the Cabinet Member for Commercialisation and Human Resources and officers present stated that employee relations cases are complex, which presents a risk for the authority, especially if the Member has to attend a tribunal. Also, that these cases occupy a significant amount of time for elected Members. The revised arrangements would reduce that risk, Member time and ensure a consistent approach.
2. Examples were also provided of other Authorities which have ended elected Member involvement in employee dismissal appeals.
3. In response, the opposition group asserts that Members on dismissal appeals panels are given training and have access to appropriate technical/legal advice as they are in other quasi-judicial contexts. Though this is a complex area of business, it has been so for the many years that Members have served on the Appeals Committee. The report considered at the Scrutiny Committee presented no evidence to demonstrate exactly what problem needed to be 'fixed' and we heard that few cases have proceeded

to tribunal stage and those that have, were not upheld. It was also established at the Committee that there was no one change in legislation or practise that made the course of action proposed necessary or urgent now. Therefore, the current arrangements appear to be working effectively.

4. The opposition group also considers that the examples given of Authorities who had ended elected Member involvement in dismissal appeals are a selective and not comprehensive sample and provide no analysis of data that could evidence that the decision those authorities have made has reduced the number of cases going to tribunal or reduced the number of cases lost at tribunal.
5. The opposition group is also concerned that no equality impact assessment has been carried out in line with the Council's own policy and how any such assessment has been used in arriving at the decision.
6. There is also a lack of financial information on the implications of the decision, for example, the additional cost of the officer time ie: those hearing appeals.
7. The opposition group does not accept the Council's position that this is not a Key Decision, as it has the potential to affect all wards. Therefore, we are concerned about the lack of consultation with the wider Council membership about the changes.
8. The opposition group is also concerned that in spite of requests for information regarding the views of the Chair of the Appeals Panel at the meeting, no information was forthcoming.
9. Finally, one of the reasons why the process of Members determining appeals has been sustained for so many years is because of the lay perspective Members bring, which can highlight areas for improvement, as well as being independent from any culture or bias that could exist within the organisation that might undermine staff confidence. This was emphasised, particularly by staff representatives at the meeting. Furthermore, one Councillor though ultimately accepting the Cabinet Member's decision, did express caution about the complete detachment of elected Members from the process.
10. In summary, the opposition group remains of the view that there is insufficient information about the process and that this would justify referring the decision back to the Cabinet Member for further

consideration. Examples of where the information is insufficient include a lack of equality information, the views of the wider Council membership, incomplete benchmarking information, lack of financial information and lack of consideration of measures to avoid the risk of Member detachment.

11. It is recognised that this is a minority report and may not change the decision made on 12th October, 2022. The opposition group affirms its position of referral back to the Cabinet Member. The opposition group also makes the following recommendations:
 - (a) That the equality impact assessment is properly conducted on this decision and a future Committee hears a report back on the outcome including figures relating to previous cases.
 - (b) That consultation processes for decisions that impact on the wider Council membership and the workforce are reviewed and improved.
 - (c) That work on the benchmarking information is completed and presented to a future committee with proper analysis. Benchmarking activity should continue alongside the implementation of this decision to determine whether the decision has been a success in Dudley and other local authorities.
 - (d) That information is provided on the financial implications of the decision, including officer time devoted to dismissal appeals and any other relevant information.
 - (e) That in future, to drive and sustain improvement in Appeals processes, periodic dip sampling of documentation related to all completed cases is undertaken by Members of the Committee, in camera, with issues arising incorporated into periodic reports to public sessions of the Future Council Scrutiny Committee.

Opposition Group Members of the Future Council Scrutiny Committee

Meeting of the Future Council Scrutiny Committee – 23rd November 2022

Report of the Director of Digital, Customer and Commercial Services

Digital and Technology Services Update

Purpose of report

1. To provide an update to the Scrutiny Committee on ongoing and planned developments relating to Digital and Technology Services.

Recommendations

2. It is recommended that the Scrutiny Committee note and comment on:-
 - The appropriateness and effectiveness of Digital and Technology governance.
 - Developments to protect the council from cyber-attacks
 - The outcome of the restructuring of the ICT team and plan to close the skills gap.
 - Key achievements in digital and technology.
 - The development, for Medium Term Financial Strategy approval, of important business cases: (1) Upgrade to enhanced Microsoft licences, (2) Storage increase, (3) migration to cloud services of 3 key applications.

Background

3. In May 2022 we completed the restructure of the ICT team creating a Digital team and a Technology team with 2 newly appointed heads of service. The restructure took place whilst we continued to run the operation, carrying out maintenance and renewals, delivering initiatives to enable the operation to run smoothly, and keeping us secure and compliant. Staff were fully engaged and supported the restructure advising

on the design, writing job descriptions and interviewing. Nonetheless it was an unsettling time for many, and we are pleased to have completed it with only one month delay in May.

4. The Government Cyber Security Breach Survey reports that 39% of UK businesses were victims of a cyber-attack. Of these, one in five experience a negative outcome, such as a loss of money or data. This suggests that 8% of businesses in the UK experience a negative outcome per year. Most reported outcomes include temporary loss of access to files or networks, disruption to websites, applications or online services and software or systems being corrupted or damaged. A permanent loss of data is much less common because 87% of businesses and 74% of charities back up their data. Breaches that do not have a budgetary impact, still have an impact: resources are diverted to investigate the breach and deploy new security measures. We continue to invest to protect the council from cyber-attacks.
5. The 2021/22 Medium Term Financial Strategy (MTFS) approved spend in (1) a new digital platform to improve resident self-serve experience, (2) in additional web content staff to improve the information we provide our residents, (3) in equipment we provide our staff to enable them to achieve their objectives more easily, (4) upgrading to Microsoft E3 licences. We are making progress in these four areas.
6. Appropriateness and effectiveness of Digital and Technology governance model
 - In October 2021 we deployed a Digital and Technology governance model. The governance model includes a Councillor Digital Forum, a Digital and Technology Working Group and a Digital Board which reports into the Strategic Executive Board (SEB) and through SEB into Cabinet. Thus, the governance model draws input from Councillors, officers, and senior executives. It ensures directorates use common capabilities and resources effectively and that we synchronise and align our initiatives. It determines which initiatives we prioritise and fund, what resources we need to re-align, if the work programme is delivering the benefits and savings, the policies we need to ensure regulatory compliance, the rules we should we have to ensure a consistent customer experience, which partners we should collaborate with and if we are mitigating risk effectively.
 - The Councillor Forum, Board and Working Group have met as agreed and the agendas have led to important conversations and input. The agendas are set to ensure that the terms of reference for the boards are met and to ensure that the boards can be assured on the performance of digital and technology. At the end of each meeting, we ask the members if the meeting met their objectives and suggestions for improvement.

- At the most recent Digital Board we discussed and agreed on the benefit model Digital is deploying to ensure the teams understand and document the strategic, financial and customer experience outcomes of a digital transformation so that we can then assess if we are delivering against these outcomes. This is a cultural shift for the council and involves service areas as well as the digital team. We will be discussing this at the working group and sharing it with Councillor forum at the next meetings.

7. Protecting the council: Cyber security

- Smart working across various locations depending on the requirements of the job increases the cyber threat as it increases the potential attack surface. Since January 2022 we have introduced changes to better protect us in this new environment. The changes also improve staff experience. We deployed bitlocker encryption and Microsoft defender (Antivirus) to all laptops. We still need to improve hence the business cases proposed in MTF5 (see paragraph below).
- Unfortunately, we have fallen behind third-party requirements in some areas. We do not currently have insurance coverage for cyber risks because we do not have advanced security deterrents like multi-factor authentication (MFA) and Conditional access (CA) implemented. Both MFA and CA have now become cyber-insurance requirements by most insurance agencies to qualify for coverage. We are working on this and expect to have coverage by 20th December 2022. 43% of UK businesses have an insurance policy that cover cyber risks. Only 6% of businesses have the Cyber Essential certification and 1% have Cyber Essentials plus, which is largely due to low awareness.
- We have already started the process of securing our PSN certification which will expire in June 2023. It takes up to 6 months to scope, scan, and mitigate any potential issues before sending the final submission to the Cabinet.

8. Outcome of restructure and staff skills

- The new structure introduced a Technology team to improve and oversee our IT infrastructure and a Digital team responsible for implementing digital initiatives that enable innovation and transformation.
- Creating a separate digital team which includes DC+ is enabling us to develop the digital capabilities we need and with greater accountability. The Council does not yet have digital mastery embedded in the organisation and the change is taking time. Integrating DC+ with Digital has been successful with good collaboration on web content and the new customer digital platform. DC+ staff have played a lead role in

defining the requirements for the new platform and are working very closely with technical colleagues drawing up customer forms for the migration. This collaborative working will ensure that traditional and digital customer engagement channels work together to create a seamless customer experience.

- On the technology side, the team are working on elements of a “cloud, unless” strategy, running the operation, and supporting staff and applications. Most of the work is still on running data centre and network infrastructure and maintaining applications rather than developing strategy and exploiting innovative technologies. This balance will shift as we move to cloud.
- The 2 teams work together. Formally they come together at the programme office level which holds our development roadmap and at Technical Design Authority. This is a process that requires all digital and technical projects to be approved to ensure that they comply with our system architecture, our cyber security requirements, do not duplicate existing functionality, and can be delivered technically.
- A common barrier to digital transformation is missing skills. In the last few months, we encouraged the teams to learn project management, process mapping, business engagement, and discovering benefit realisation on the job. From October we will start a formal skills assessment and we will develop a plan which includes a mixture of external and internal training. We have also started a programme to agree the behaviours we want to stop, start, and continue across the team.

9. Key achievements in digital and technology

- In digital we have implemented a very well attended digital platform steering group, with senior and operational representation from all areas of the council. This group are overseeing the procurement of a new digital platform, championing the development of a simple easy to use online service for residents. The suppliers bidding for the contract have proven experience in delivering to local government and are working through the tender process. The steering group also has a focus on digital inclusion. This includes ensuring the impact of designing digital services is understood and is appropriate, and other contact methods are provided for those who cannot use digital or may have complex needs.
- The digital team have supported commercial initiatives, including making improvements to DB Leisure website and the successful opening of Brookes Bistro, delivering an integrated table booking system to enable customers to book online and Bistro staff to maximise capacity.

- Following tender and cost benefit assessment, we awarded a contract to outsource the print, production and mailing of our letters for revenues and benefits, housing and elections. Outsourcing should deliver cost benefits, better quality and a platform to enable us to switch from letter to digital communication. This has become imperative following Royal Mail's 18% increase. We have stood up a cross council working group to deliver the switch and deliver the benefits.
- The team have delivered a complex Liquid Logic system upgrade of 4 databases, portals, and an early help module. It involved teams in Digital, Technology, Adult and Children Services. The team also successfully managed upgrades to key business systems for Education, Fleet Management and Green Care.
- We have implemented the strategy change agreed whereby the digital team is accountable for the website customer experience. We recruited people to deliver this and implemented new ways of working with the service areas. To date the team has overhauled the how to contact us, complaints, cost of living and trees pages. These have been simplified, made relevant, are easier to navigate and up to date.
- The technology team have enhanced systems, and services to improve staff working and the security of our devices, data, and infrastructure. An example of a change is the implementation of BitLocker encryption which has made it easier for staff to log in and has reduced the number of service desk contacts.
- Another example is the transition to exchange online. This enables enhancements to Microsoft teams, email, security, and self-support options.
- We are also working to implement a paid-for and more advanced single sign-on system called "AD Connect." It will help us deliver the cyber security deterrents like Multi Factor Authentication and Conditional Access and secure cyber insurance by Dec 2022.
- Following a successful proof of concept, we are rolling out MS Teams telephony and integrated into our existing telephony systems enabling calls to be made and received via a single MS Teams window. This new MS Teams feature will be rolled out to all staff subject to the MTFs bid being approved to procure enhanced Microsoft licenses.
- Technical Design Authority has been established, it meets every week and the TDA process has been published to put emphasis on governance, cyber security, and designing fit for future solutions.

10. Business cases

We are working on 5 digital and technology business cases for Cabinet approval:

- Upgrade to enhanced Microsoft licences (these are called E5 licenses) which provides: (1) Business Intelligence reporting through Power BI, (2) Use of Teams for internal calls, (3) Cyber security improvements to which will help us get Cyber Essentials / CE plus; (4) SharePoint Online which provides the foundations on which all other Microsoft services are built.
- Replacement of our core infrastructure to store council data centre. Suppliers will cease supporting our existing infrastructure in 2023.
- Migration to cloud of: (1) Northgate which supports revenue and benefits and housing solutions, (2) Liquid Logic which supports our children and adult social care solutions and (3) Umbraco which supports our web.

We will develop and incorporate the business cases within the Medium-Term Financial Strategy, as appropriate, for approval through Cabinet and Council.

Finance

11. The proposals outlined in this report will need to be considered in the ongoing development of the Council's Medium-Term Financial Strategy.

Law

12. The Council may appoint staff, as it considers necessary for the discharge of its functions upon such reasonable terms and conditions as it thinks fit, under Section 112 of the Local Government Act 1972. The development of the proposals in this report will take account of all necessary legal obligations and any relevant requirements of the Council's Constitution.

Risk Management

13. Any risks will be mitigated using the Council's existing risk management framework.

Equality Impact

14. As part of the restructure an Equality Impact Assessment was undertaken.

15. The work detailed in this report
- Has no effect of the decision on children and young people
 - No consultation with children and young people was required; and
 - There were no involvement of children and young people in developing the proposals.

Human Resources/Organisational Development

16. Colleagues within HR worked with us on the restructure. The MEARR Policy and other procedures that needed to be considered were adhered to.

Commercial/Procurement

17. Procurement legislation and compliance with Contract Standing Orders will be adhered to for the purchasing of goods associated detailed within this report.

Environment/Climate Change

18. No implications have been identified as part of this report.

Council Priorities and Projects

19. The Council's People strategy is in place to ensure we have the workforce capability and capacity needed both now and, in the future, to deliver modern effective public services. Workforce planning is critical to ensuring sustainability and directorate workforce plans will be key in determining how and where a mutual resignation scheme is to be targeted.

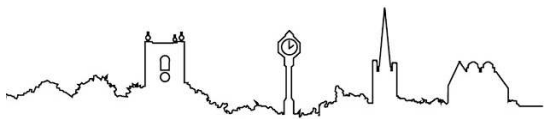


Director of Digital, Customer and Commercial Services

Report Author : Luisa Fulci
Telephone: 01384 815752
Email: luisa.fulci@dudley.gov.uk

Scrutiny 23rd November 2022

Update on Council House Refurbishment

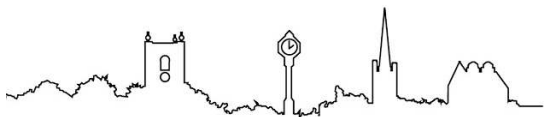


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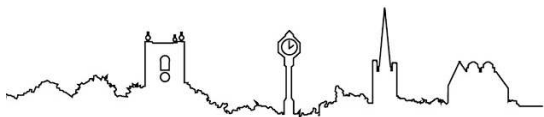
The presentation today will:

- Reflect on points made in March Scrutiny
- Provide an update on access improvements
- Essential Maintenance Update
- Update on plans for senior leadership space and security
- Overview of timeline
- Update on costs
- Update on churn issues

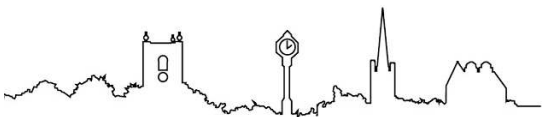


Points made at Scrutiny in March 2022

- Points with regard to disabled parking on Priory Road and Members Car Park
 - Revised layout for discussion in slide set
- Various points raised about access into and around the Council House complex
 - E.g., lift between town hall and bistro; motion sensor lighting, wheelchair use of Chamber
 - Technical assessment site meeting on 23/05
- Queries raised about the need for and use of ‘collaboration pods’
- Further discussion was asked for with regard to leadership space
 - Met with Cllr Foster on the 24/03



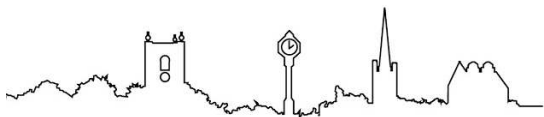
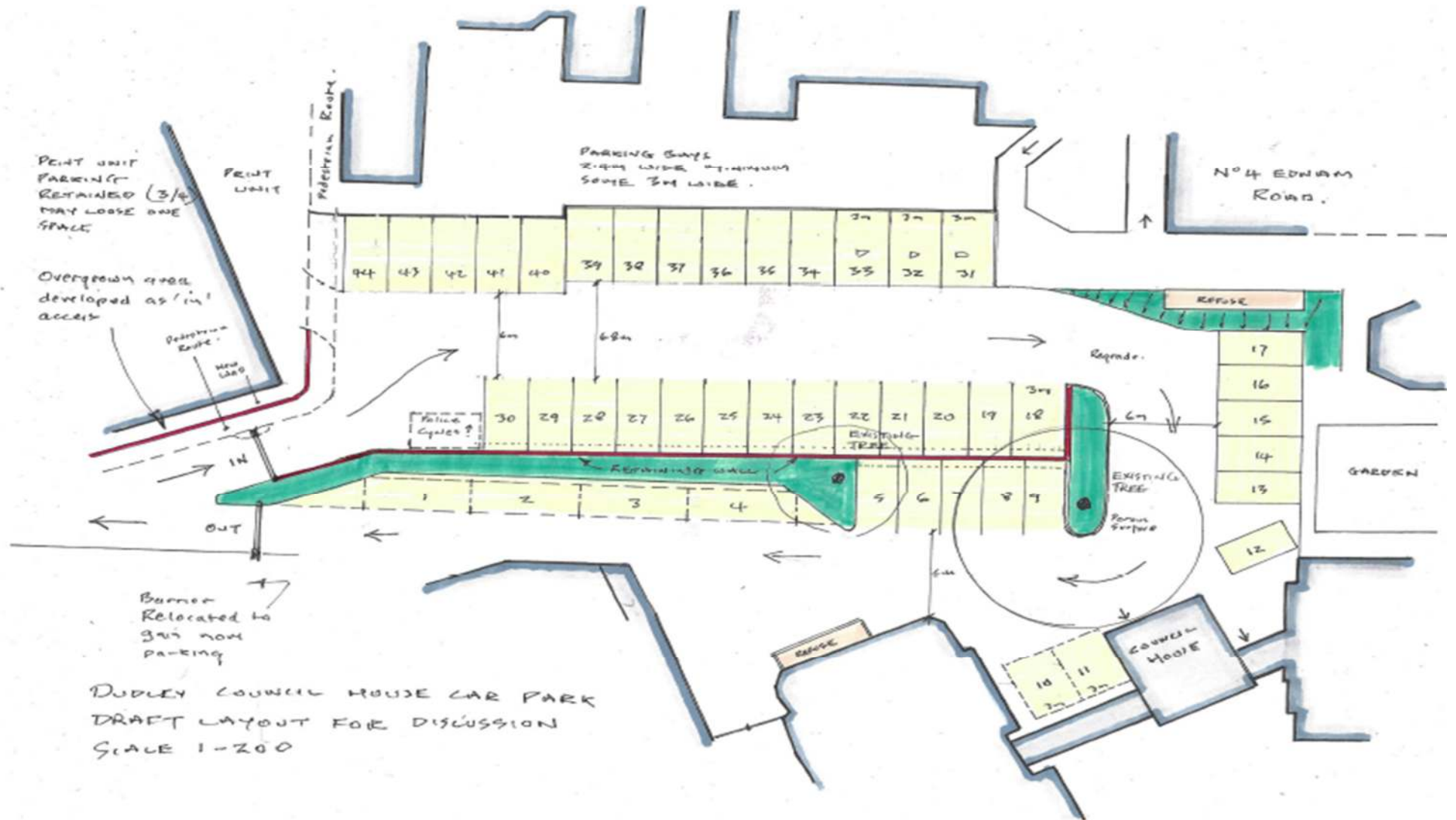
Disabled access to Council House



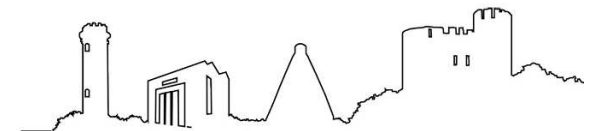
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Members car park



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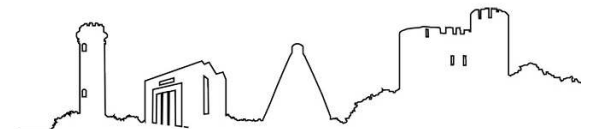
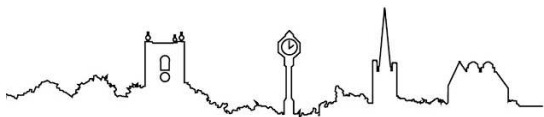
Access Improvements update

Will be included within the refurbishment...

- Improve signage to disabled entrance at basement
- Automate specific doors to ease access and replace traditional opening with sliding doors to improve use of spaces
- Investigate and upgrade existing passenger lift (basement to 1st flr)
- Replace worn stair nosings to all staircases
- Install motion sensor lighting to corridors to ensure lift areas are lit
- Building adaptations to improve access from corridor adjacent safe room to offices including new stairs and handrailing

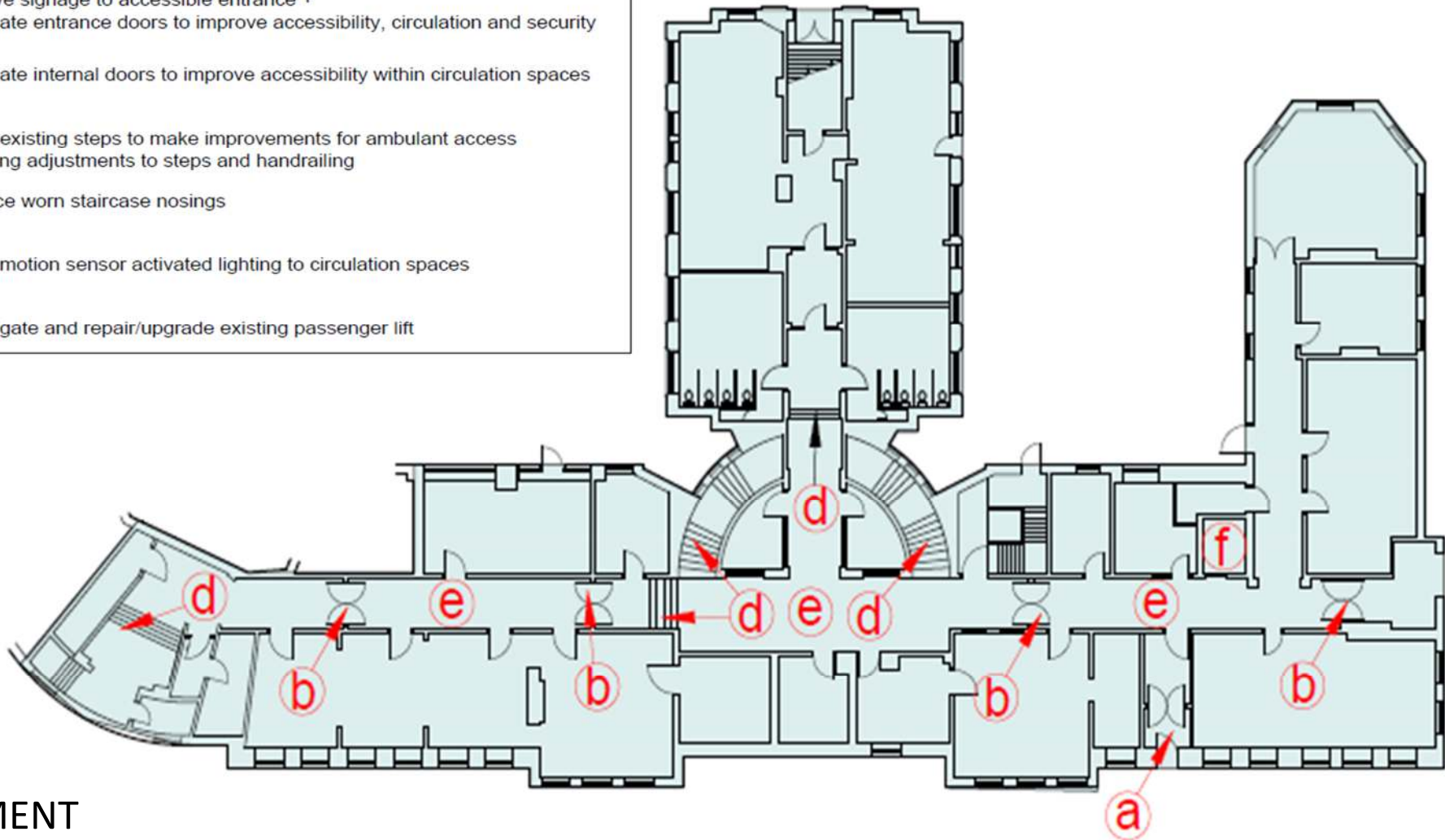
Not currently included due to funding...

- New accessible passenger lift from rear Members Carpark to access ground and first floor levels and (possibly) the public gallery. Including new external structure c. £ 750k - £1m
- New platform lifts to curved stairs from Basement to First Floor c. £70k

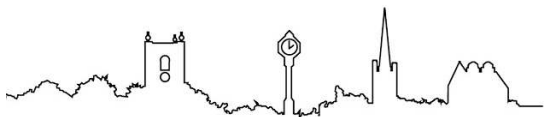


Access Improvements update

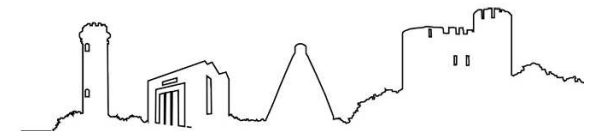
- a** Improve signage to accessible entrance + Automate entrance doors to improve accessibility, circulation and security
- b** Automate internal doors to improve accessibility within circulation spaces
- c** Adapt existing steps to make improvements for ambulant access including adjustments to steps and handrailing
- d** Replace worn staircase nosings
- e** Install motion sensor activated lighting to circulation spaces
- f** Investigate and repair/upgrade existing passenger lift



BASEMENT

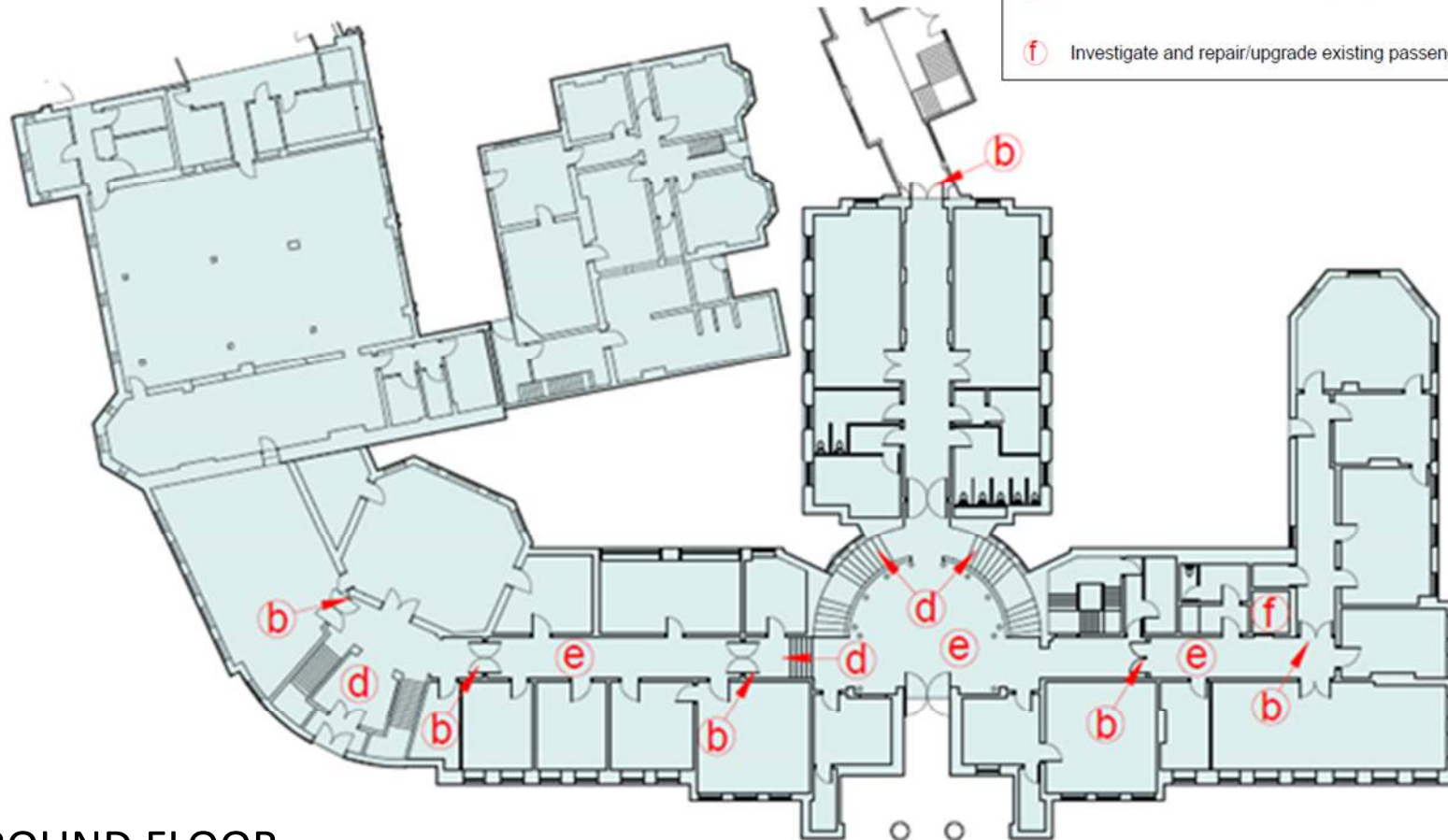


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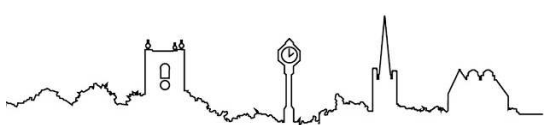


Access Improvements update

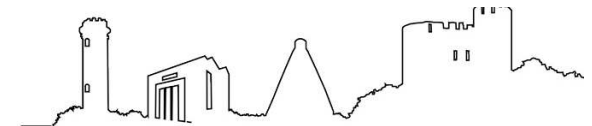
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GROUND FLOOR

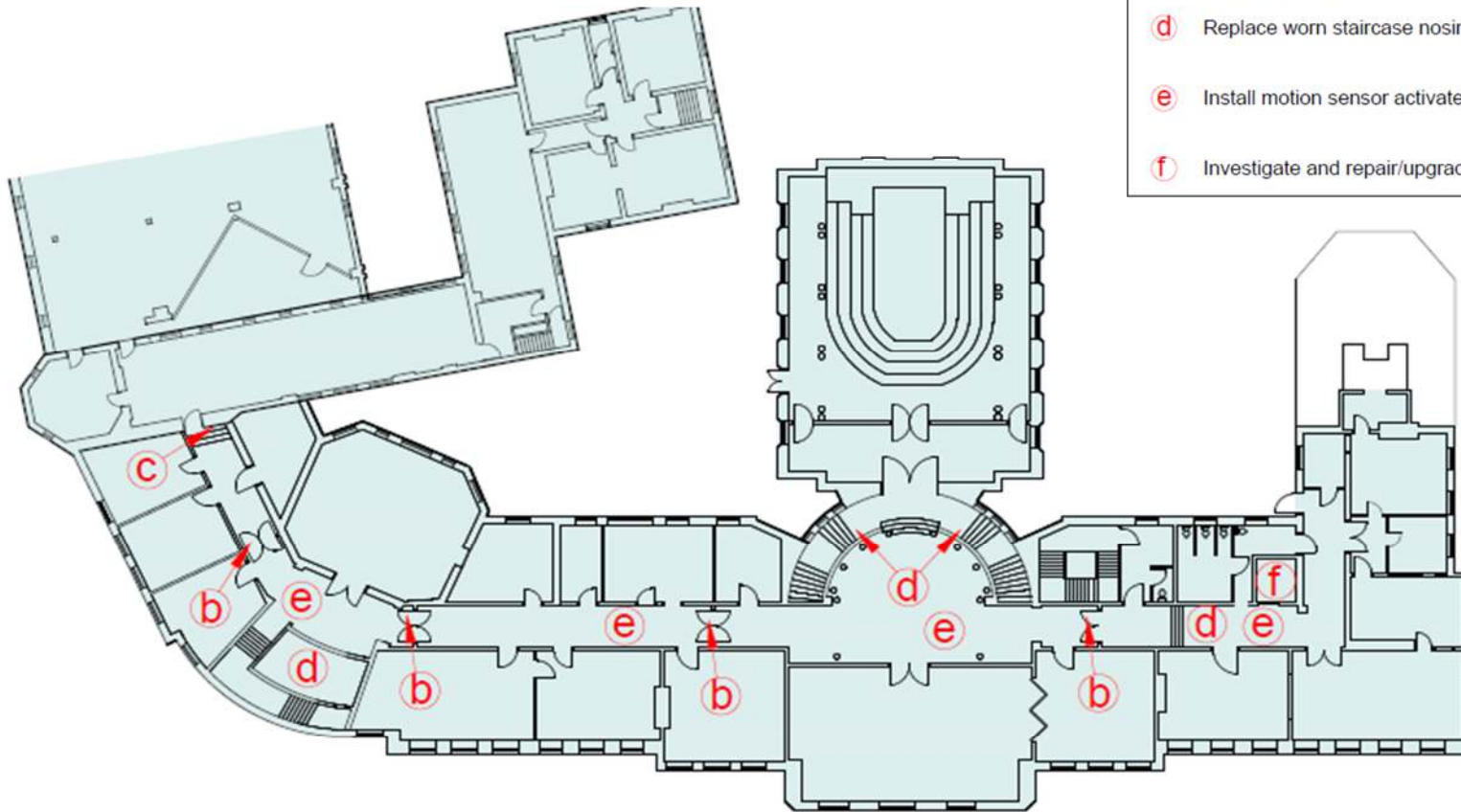


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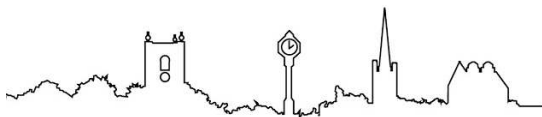


Access Improvements update

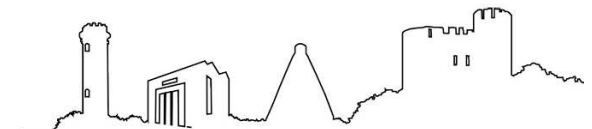
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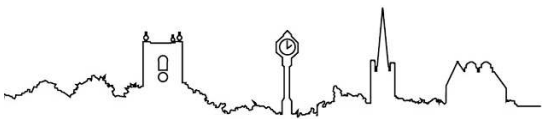
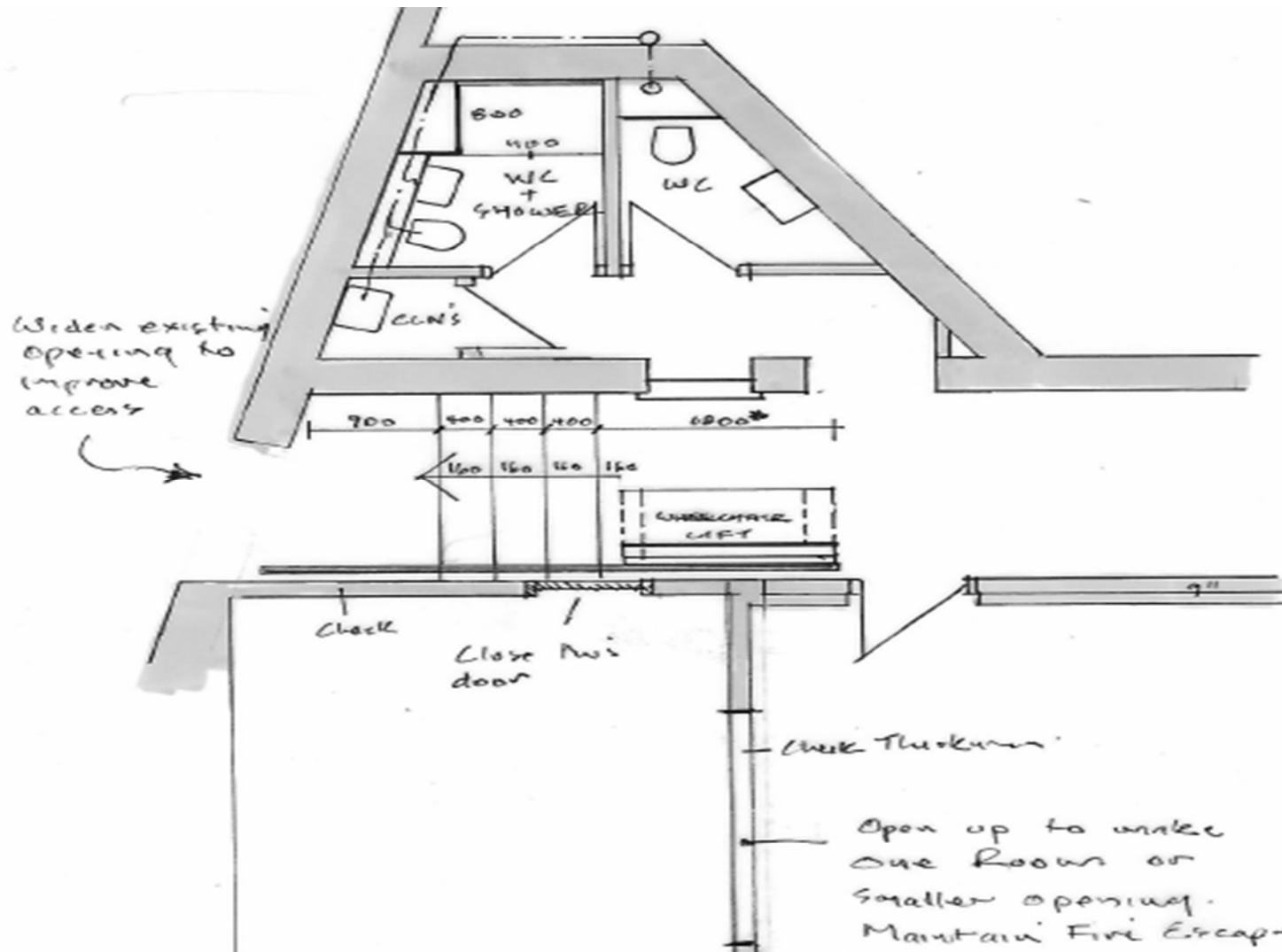
FIRST FLOOR



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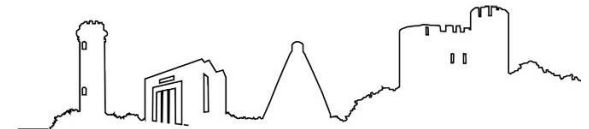
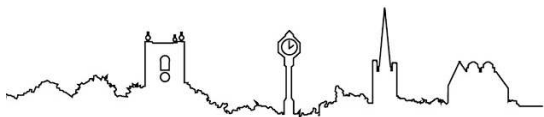


Improved access to first floor corridor

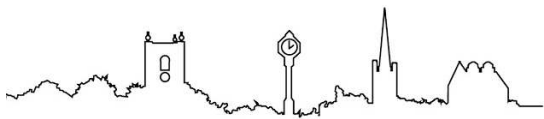
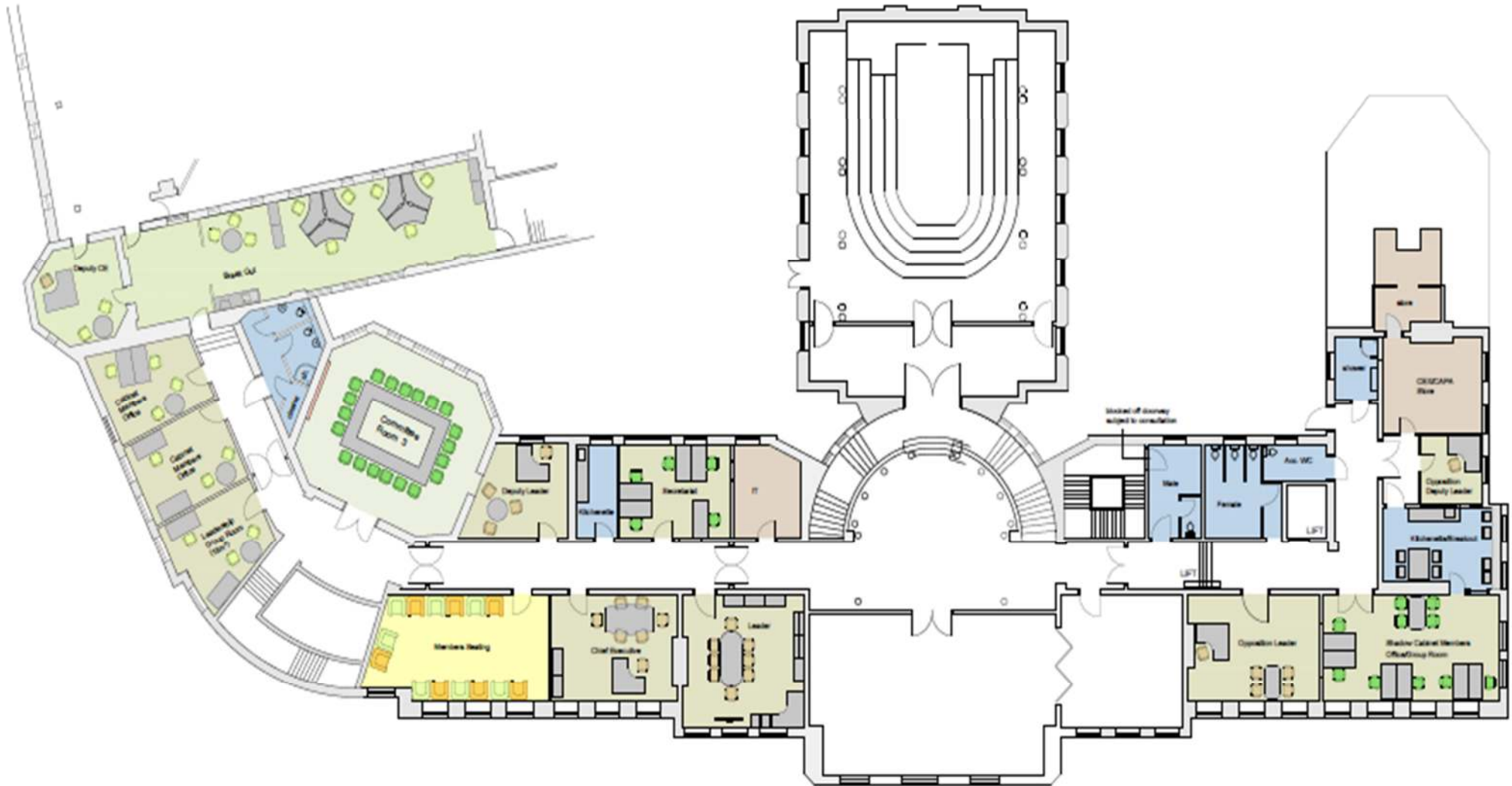


Essential Maintenance Update

- Essential maintenance reflects elements of disrepair that had worsened over a long time but are now being addressed within the overall refurbishment project
- Roofing c. 60% complete
- Air source heat pump work 100% complete
- LED lighting c. 75% complete
- Asbestos removal from ducts etc 100% complete



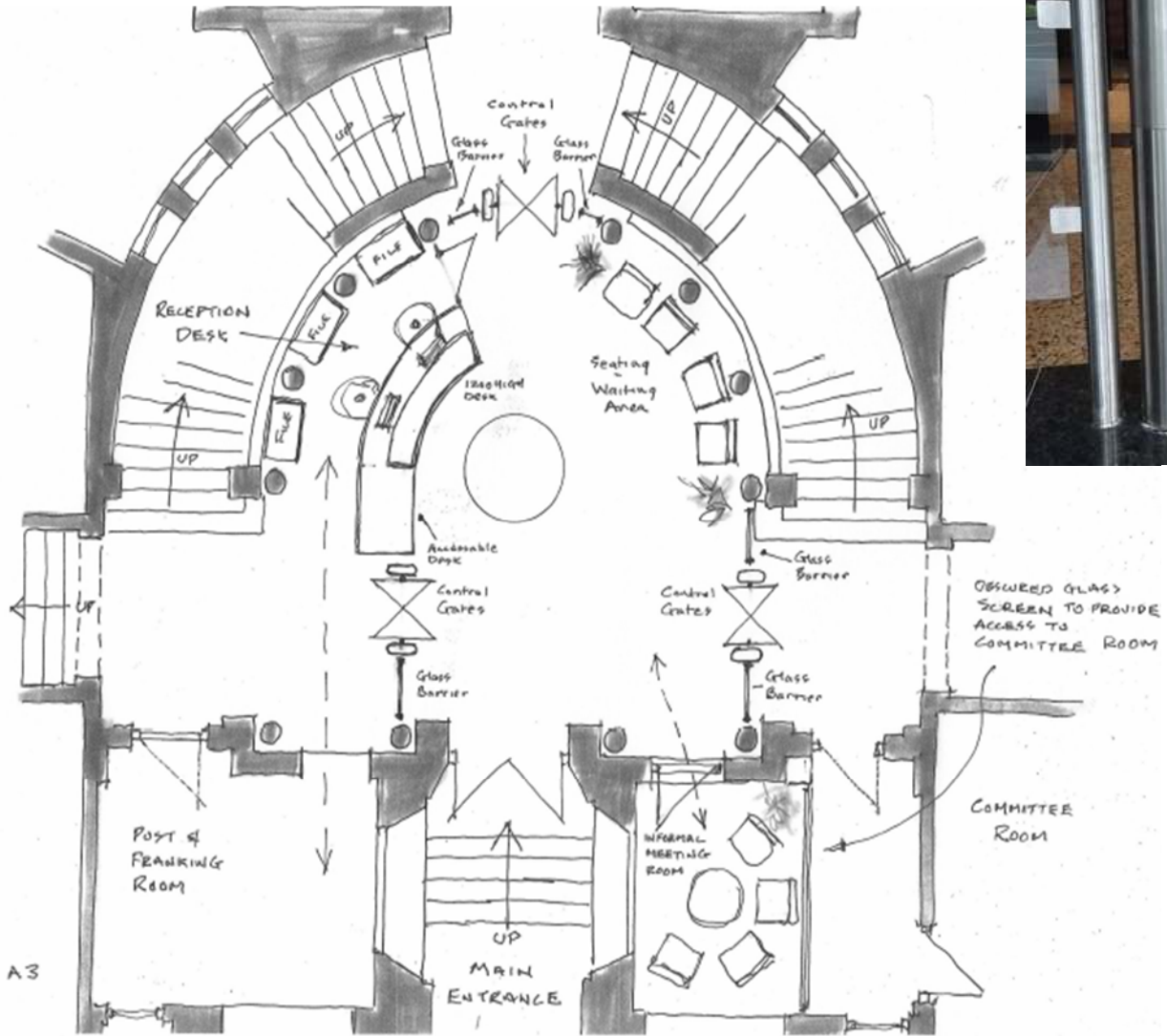
Leadership Space



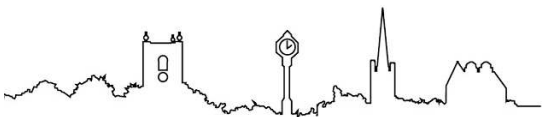
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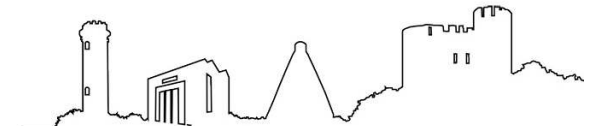
Security



COUNCIL HOUSE
RECEPTION
PROPOSED
SCALE 1:50 @ A3



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Timeline

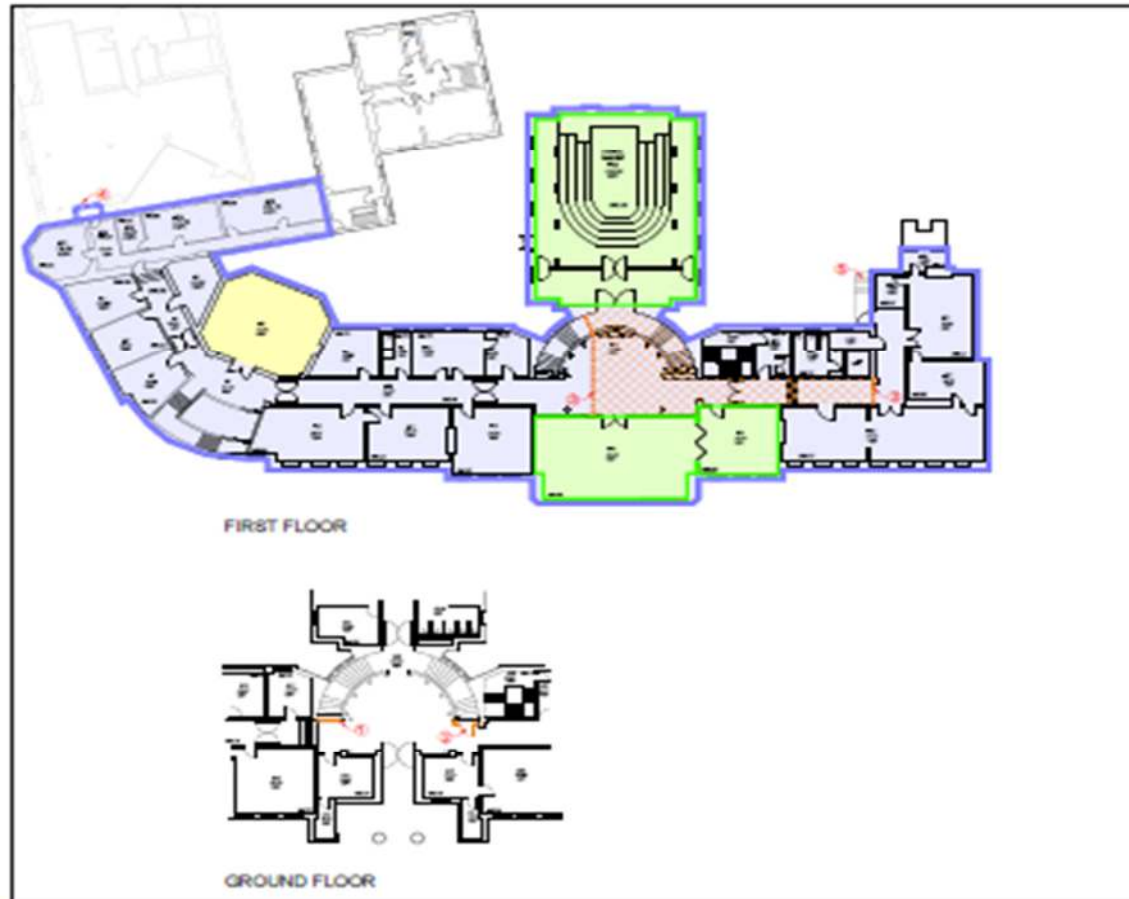
Roofing phases 1-3 complete – phase 5 completes mid May 2023

Refurb works in 7 main phases:

1. Council Chamber, Comm Rm 1&2 comms January 23 to April 23
(as part of phase 1 works)
2. 'Collaboration' pod trial complete by mid December 2022 (*available to sue from mid January 23 then 12 months assessment ending November 23*)
3. Phase 1 – 1st floor senior leadership space
 - Churn mid/end Dec 22 – work between January 23 and April 23
4. Phase 2 – remainder 1st floor, 2nd floor and basement
 - Churn April 23 – work between May 23 and August 23
5. Phase 3 – Ground floor including Reception
 - Churn July 23 – work between August 23 and December 23
6. Phase 4 – Old Police Building
 - Churn January 24 - work between February 24 and June 24
7. Members car park June 24 to August 2024



Access during Phase 1



- Working Area
- Access Routes to be Maintained after 5:00pm (Mon-Fri)
- Access Required to Rooms after 5:00pm (Mon-Fri)
- No work in the room

- 1 Steel wall barrier to prevent unauthorised access to First Floor during working day but with door for access for Members, staff and public after 5:00pm
- 2 Steel wall barrier to prevent unauthorised access to First Floor during working day but with door for access for Members, staff and public after 5:00pm
- 3 Prevent unauthorised access into Contractor's working area when the adjacent corridor area is being used by Members, staff and public after 5:00pm
- 4 Steel wall boarding when work to form new retained driveway is being carried out inside. Adjacent fire escape is to be maintained, if a fire escape expected the work will be carried out after working hours or during weekends by prior arrangement.
- 5 Contractor's access route via external fire escape stairs.

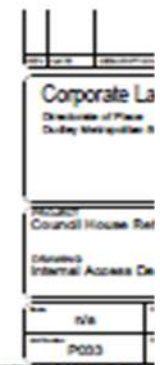
Note: Contractor is to be aware that Council House will be fully occupied in adjacent areas and the House leader during the works. This will include Staff, Council Members and the public.
The Contractor is to take measures to maintain the building's security and prevent unauthorised and opportunistic access to Council House.



Barriers for unauthorised access (see table 1)



Barriers across area (see table 1)

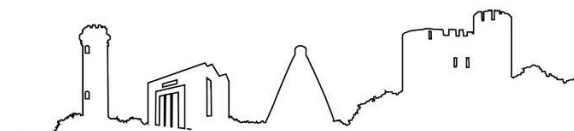
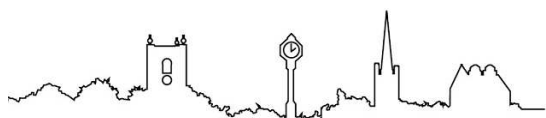


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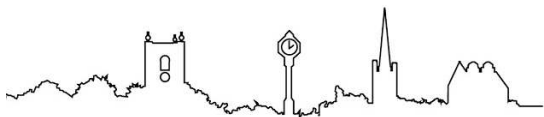
Budget update

Element	Original Allocation	Current Forecast	Comments
Main interior contract works (inc. collaboration hub)	£ 2,337,295.00	£ 2,439,558.00	Detail refined cost forecast
Roofing	£ 281,673.00	£ 360,099.00	Additional works to roofs
Mechanical & Electrical	£ 705,000.00	£ 516,909.00	Savings achieved through Grant funded work (LEDs)
Asbestos removal	£ 100,000.00	£ 107,402.00	Actual costs
Council chamber & Comm Room 2 Audio	£ 130,000.00	£ 130,000.00	D&ICT dealing with install
Associated Misc.	£ 527,750.00	£ 527,750.00	
Total	£ 4,081,718.00	£ 4,081,718.00	



CHURN points to consider

- Builders compound and access
 - Use of members car park, noise, disrupted flow around campus
- Site remaining 'open for business' during refurbishment
 - Member access, civic functions, staff use
- Movement of staff and their equipment
 - Flexibility, realistic expectations and patience
- Worker styles, use of desks and/or territorial space
 - Council House campus largely becomes a touch down site
 - Access to meeting rooms, printing and storage



Action Tracker – Future Council Scrutiny Committee

Subject (Date of Meeting)	Recommendation/action	Responsible Officer/Area	Status/Notes
Annual Scrutiny Programme (8 th June, 2022)	Minute No. 6 - Feedback on the adoption of recommendations from the Scrutiny Committee Development Session with the Local Government Association held on 21 st March, 2022.	Democratic Services	Recommended that the progress report be circulated to the next meeting of the Scrutiny Chairs / Vice Chairs Meeting. (Ongoing)
Equality, Diversity and Inclusion Annual Delivery Plan 2022/23 (8 th June, 2022)	Minute No. 7 (2) - That the Scrutiny Working Group, comprising all Members of this Committee, provide further contributions to the Equality, Diversity and Inclusion annual delivery plan and review progress.	Assistant Director People & Inclusion; Equality, Diversity & Inclusion Manager	Meeting to be arranged. (Ongoing)

Stalled Sites – Strategies for bringing back into use privately owned vacant land and property (7 th September, 2022)	Minute No. 14 (4)(i) That the Head of Economic Growth and Skills be requested to confirm whether the initial long list of 68 sites had been identified for housing redevelopment.	Head of Economic Growth and Skills	Response circulated to Committee Members. (Completed)
	Minute No. 14 (4ii) That the Head of Economic Growth and Skills be requested to investigate the work undertaken by neighbouring local authorities in relation to the redevelopment of derelict sites and provide a response to the Committee.	Head of Economic Growth and Skills	Response circulated to Committee Members. (Completed)
	Minute No. 14 (4iii) That the Head of Economic Growth and Skills be requested to refer the question in relation to further borrowing from the Housing Revenue Account in order to facilitate additional residential developments to the appropriate officer for a response.	Head of Economic Growth and Skills	Response circulated to Committee Members. (Completed)
	Minute No. 14 (5) Recommendation formulated by the Scrutiny Committee as follows: That the appropriate decision taker be requested to consider additional staffing capacity and resources to enable the Local Authority to maximise their powers in relation to enforcement in particular in relation to derelict and stalled sites.	Democratic Services / Cabinet Member for Regeneration and Enterprise	The matter has been referred to Cabinet Member for Regeneration and Enterprise and will be raised as part of the budget setting process. (Completed)
	Minute No. 14 (6) That updates on progress made in relation to derelict and stalled sites, as discussed at the Working Group, be circulated to all Members on a quarterly basis for information.	Head of Economic Growth and Skills	Proposed that an update would be provided in conjunction with Corporate Performance Report in January, 2023. (Ongoing)

Corporate Quarterly Performance Report – Quarter 1 (1 st April to 30 th June, 2022) (7 th September, 2022)	Minute No. 15 (2i) That the Corporate Performance Manager be requested to circulate a copy of the Corporate Complaints Policy to Members for information.	Corporate Performance Manager	Senior Customer Services Manager has been invited to the January, 2023 Scrutiny Committee to provide an overview of the Policy and work undertaken in conjunction with Corporate Performance Report. (Completed)
	Minute No. 15 (2ii) That the Corporate Performance Manager be requested to arrange training with the Local Government Association in relation to performance management, to be extended to all Members.	Corporate Performance Manager	Training videos and documents are currently being developed. An update will be shared with Members once available. (Ongoing)
	Minute No. 15 (2iii) That the Corporate Performance Manager be requested to investigate whether the Spectrum Audit System was accessible by Elected Members via the Members Portal.	Corporate Performance Manager	Discussions have commenced with IT regarding accessibility for Members. Feedback to be provided to Members. (Ongoing)
Feedback from the Future Council Scrutiny Committee Working Group – Consultation Process Review Across the Authority (7 th September, 2022)	Minute No. 16 (4) That the outcomes of the review of consultation processes be e-mailed to the Scrutiny Committee for information.	Corporate Performance Manager	A consultation survey will be launched in November, 2022 to identify key stakeholders across the organisation that carry out External Engagement. (Ongoing)

<p>Future Council Scrutiny Progress Tracker and Future Business (7th September, 2022)_</p>	<p>Minute No. 17 (2) That a copy of the letter outlining feedback in relation to the Council’s bid for City Status be circulated to Members for information.</p>	<p>Democratic Services</p>	<p>Letter e-mailed to Committee Members. (Completed)</p>
<p>Call-in of the Decision Sheet – Changes to the Council’s Disciplinary Policy and Procedure to cease elected member involvement in Disciplinary Appeals (12th October, 2022)</p>	<p>Minute No. 23 That the Future Council Scrutiny Committee recommends that no objection be raised to the decision in which case no further action is necessary and the decision is implemented with immediate effect.</p> <p>NB: The Members who did not vote in favour of the resolution above reserved their right, following the meeting and with agreement by the Chair, to make a minority report pursuant to the Scrutiny Procedure Rules in the Council’s Constitution. The minority report has been appended to the minutes.</p>	<p>N/A</p>	<p>Cabinet Member for Commercialisation and Human Resources notified of recommendation. (Completed)</p>

Future Business – Future Council Scrutiny Committee

<u>Date of Meeting</u>	<u>Work Programme</u>	<u>Responsible Officer/Area</u>	<u>Notes</u>
18 th January, 2023	Medium Term Financial Strategy	Director of Finance and Legal; Head of Financial Services	Report
	Quarterly Performance Report (Quarter 2)	Corporate Performance Manager; Head of Chief Executives Office	Report / Presentation
	Major Regeneration Projects (including Funding Arrangements, Future Projects and Borough Wide Vision)	Director of Regeneration and Enterprise; Head of Projects and Placemaking	Report
15 th March, 2023	Quarterly Performance Report (Quarter 3)	Corporate Performance Manager; Head of Chief Executives Office	Report / Presentation
	Town Developments	Director of Regeneration and Enterprise; Head of Projects and Placemaking	Report
	Wednesbury to Brierley Hill Metro Extension	Head of Projects and Placemaking	Report

Future Business – Future Council Scrutiny Committee Working Group

Subject (Date of Meeting)	Recommendation/action	Responsible Officer/Area	Status/Notes
Equality, Diversity and Inclusion Annual Delivery Plan 2022/23 (To be arranged)		Assistant Director People & Inclusion Equality, Diversity & Inclusion Manager	