

OVERVIEW AND SCRUTINY COMMITTEE MINUTES

26 OCTOBER 2010

Chairman:	* Councillor Jerry Miles	
Councillors:	* Christine Bednell (3) * Kam Chana * Ann Gate * Barry Macleod-Cullinane	* Paul Osborn * Varsha Parmar (2) * Bill Phillips * Sachin Shah
Voting Co-opted:	(Voluntary Aided) † Mrs J Rammelt Reverend P Reece	(Parent Governors) Mrs D Speel
In attendance: (Councillors)	Margaret Davine Mrs Rekha Shah	Minute item 8 Minute item 10 & 11

- * Denotes Member present
- (3) and (2) Denote category of Reserve Members
- † Denotes apologies received

52. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Stephen Wright
Councillor Sue Anderson

Reserve Member

Councillor Christine Bednell
Councillor Varsha Parmar

53. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 8 – Adults Services Complaints Annual Report (Social Care Only) 2009/10 and Agenda Item 9 – Children’s Services Complaints Annual Report 2009/10

Councillor Paul Osborn declared a prejudicial interest in the above items in that he had been the Portfolio Holder for Performance, Communications and Corporate Services under the previous administration. He would leave the room whilst both matters were considered and voted upon.

Councillor Barry Macleod-Cullinane declared a prejudicial interest in the above items in that he had been the Portfolio Holder for Adults and Housing under the previous administration. He would leave the room whilst both matters were considered and voted upon.

Councillor Christine Bednell declared a prejudicial interest in the above items in that she had been the Portfolio Holder for Children’s Services under the previous administration. She would leave the room whilst both matters were considered and voted upon.

Agenda Item 10 – Investigation into Harrow Association of Voluntary Services

Councillor Bill Phillips declared a prejudicial interest in that he had recently been appointed as a Harrow Association of Voluntary Services Trustee. He would leave the room whilst the matter was considered and voted upon.

Councillor Ann Gate declared a personal interest in that her husband, Councillor Brian Gate, was a Harrow Association of Voluntary Services Trustee. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 12 - Pinner Village Surgery Challenge Panel Report

Councillor Ann Gate declared a personal interest in that she worked in a General Practitioner Surgery in Harrow. She was also an appointed observer on the Harrow Local Medical Committee. She would remain in the room whilst the matter was considered and voted upon.

54. Minutes

A Member stated that, following the previous meeting at which the Council’s draft vision and priorities had been discussed, it would be useful if the Leader of the Council could be invited to attend a future meeting so that the Committee could get clarification on certain points.

RESOLVED: That

- (1) the minutes of the meeting held on 11 October 2010 be taken as read and signed as a correct record;
- (2) the Leader of the Council be invited to a future meeting of the Committee to discuss the Council's draft vision and priorities.

55. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

56. References from Council/Cabinet

There were none.

RESOLVED ITEMS

57. Adults Services Complaints Annual Report (Social Care Only) 2009/10

The Committee received the annual complaint reports for Adult and Children's Services. The Chairman stated that agenda item 8, Adults Services Complaints Annual Report 2009/10, and agenda item 9, Children's Services Complaints Annual Report 2009/10, would be discussed together due to the similar subject matter.

An officer explained that the reports provided information about complaints made during the twelve months, 1 April 2009 to 31 March 2010. The officer informed the Committee of the following key points:

- the Local Authority Social Services and National Health Service Complaints (England) Regulations (2009) had come into force on 1 April 2009 and had removed the traditional 3 stage complaints for Adult Services;
- the Local Government Ombudsman had received 2 complaints relating to Adult Services between 1 April 2009 and 31 March 2010. Neither of these had been upheld;
- overall it had been a good year for Adult Services, with few escalated complaints. Of the 10 escalated complaints, only one had been fully upheld;
- 77.5% of Stage 1 Adult Services complaints had been upheld. It was felt that this demonstrated good front-line transparency and fairness. At Stage 2, only 20% of complaints were upheld, indicating that the vast majority of legitimate issues were being identified;

- a Learning Group had been established to ensure that issues identified by the complaints process were acting upon and prevented from occurring again. The Corporate Director for Adults and Housing was now responsible for chairing these meetings;
- 90% of adult homecare provision was now 2 star or above, up from 30% in the previous year. Residential complaint numbers were satisfactory and none had been passed to the Council for consideration;
- in the last 5 years the Local Government Ombudsman had not issued any public reports of maladministration against the Council relating to Harrow Social Services;
- between 1 April 2009 and 31 March 2010 the Council had received 60 Stage 1 complaints relating to Children's Services. There had been 7 Stage 2 complaints and 2 Stage 3 Review Panels. One Complaint was received by the Local Government Ombudsman which had not been upheld;
- as with Adult Services, the number of Level 1 complaints being upheld demonstrated a robust and efficient complaints process;
- Children Safeguarding was the only service area that had regularly not met its complaint response time targets, which had contributed to a higher escalation rate. It was acknowledged that the Safeguarding team had faced some unique pressures that had resulted in reduced timescale achievement;
- in instances where a service was not meeting its timescale targets, the complaints service manager would meet with relevant staff to discuss the issues and find a way forward;
- there had been few compensation payments in relation to Children's Services although the individual sums paid had been higher than in previous years;
- the Local Government Ombudsman had been given additional powers to investigate complaints regarding schools. It was felt that schools might require additional support in order to manage Local Government Ombudsman investigations.

Following questions from Members of the Committee, the officer clarified the following points:

- learning from complaints was a key element of the complaints process. Quality assurance meetings took place to consider complaint trends and progress was monitored;

- in order to raise awareness of the complaints process, leaflets making it clear that comments as well as complaints were welcome were made available to service users;
- the Council had started to capture and record “potential complaints”. The term “potential complaints” referred to expressions of dissatisfaction that could be resolved informally or where the complainant wanted to provide feedback but did not want a response;
- the Council acknowledged that some residents from certain cultural backgrounds were less likely to complain. In order to address this the Council was continuing to encourage feedback and comments rather than just complaints;
- mediation proved very effective in resolving complaints and had been introduced as a component of the Council’s formal complaints process. However, mediation was expensive and could not be used for every complaint. In some instances complainants rejected offers of mediation and it could therefore only be used when the service user agreed to it;
- the Council had increased the number of trained mediators and there were proposals to introduce a pool of HR mediators that could be used across the Council. However, nothing had yet been confirmed;
- members of staff subject to a complaint were given a support leaflet which provided information and advice;
- calculating the exact cost of a complaint was complex and there was no single calculation that could be applied to all cases.

During discussion of this item, Members made a number of comments which included:

- whilst the Safeguarding team faced unique pressures, there was concern that complaint timescales were not being met. Failure to address a complaint could in itself result in a safeguarding issue;
- it would be useful if the next annual report included a breakdown of the methods of communication used to make complaints. An officer stated that this would be taken into account for the next report;
- it would be useful to capture the number of complaints that related directly to financial restraints that prevented the Council from providing a service. An officer stated this could not be guaranteed as it would mean changing the complaint recording system for the whole Council, not just social care. However, he would raise this with the Corporate Complaints Manager.

RESOLVED: That the Adult Services Complaints Annual Report for 2009/10 be noted.

58. Children's Services Complaints Annual Report 2009/10

This item was considered with the previous agenda item, Adults Services Complaints Annual Report 2009/10.

RESOLVED: That the Children's Services Complaints Annual Report for 2009/10 be noted.

59. Investigation into Harrow Association of Voluntary Services

The Committee received a report of the Corporate Director of Community and Environment which set out the findings of the PricewaterhouseCooper (PwC) investigation into Harrow Association of Voluntary Services (HAVS).

A Member of the Committee stated he was concerned that the public copy of the report published on the Council's website had contained confidential information. He stated that due to the method by which certain parts of the document had been censored, certain readers could still extract confidential information.

Following questions from Members of the Committee, the Divisional Director of Community and Cultural Services and the Portfolio Holder for Community and Cultural Services clarified the following points:

- the Council was currently awaiting the outcome of an investigation into HAVS funding streams. At present grant money was being withheld;
- at present the four Council nominated trustees for HAVS were Councillor Bill Phillips, Councillor Brian Gate, Councillor Mrinal Choudhury and Councillor Joyce Nickolay. The total number of trustees required was outlined in HAVS constitution;
- two individuals had been appointed as acting directors who were supported by trustees;
- whilst grant money was being withheld, HAVS was still functioning. This was possible due to financial reserves and other funding streams;
- PwC's report had highlighted that the governance arrangements for HAVS were not sufficient. As a result the organisation's constitution was being amended;
- a Way Forward group had been established, headed by the two acting directors. The group was due to meet on 27 October 2010 to discuss outstanding issues.

A Member raised concern that the Council still appeared to be providing HAVS with a funding stream through an existing service level agreement under which the Council financed the post of External Funding Officer. The Member stated that until the Council was happy with the financial situation of the organisation, HAVS should not receive any money from the Council. The

Divisional Director for Community and Cultural Services stated that she would provide Members with more information about the post.

A Member of the Committee stated that the Council should implement a protocol to ensure that Members in key positions, such as the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee and the Governance, Audit and Risk Management Committee, were informed about significant developments. The Member added that, in the case of HAVS, Members had only been made aware of the situation following press reports. The Member added that he would like to see Scrutiny consider whistle-blowing and how individuals could be protected.

A Member stated that despite the report he remained concerned and suggested that the Scrutiny Lead Members should meet with relevant officers to better understand the current situation.

RESOLVED: That

- (1) the Council's initial response to the investigation be noted;
- (2) updates be provided to the Committee as more information becomes available;
- (3) the Director of Legal and Governance Services be asked to look into the possibility of drawing up a protocol to ensure information is shared with key Scrutiny Members in a timely manner.

60. Implications of HAVS Investigation - Challenge Panel Project Scope

The Committee received a report of the Divisional Director for Partnership Development and Performance which set out the draft scope for a challenge panel to examine the implications on the Council of the HAVS investigation.

RESOLVED: That the scope of the challenge panel be agreed, subject to the following:

- (i) consideration of a whistle-blowing policy for the voluntary sector in Harrow be considered as part of the review;
- (ii) Councillor Nana Asante be confirmed as Chairman of the challenge panel.

61. Pinner Village Surgery Challenge Panel Report

The Committee received a report of the Divisional Director of Partnership Development and Performance which outlined the findings from the Pinner Village Surgery Challenge Panel on 22 July 2010. The Chairman of the Challenge Panel outlined the recommendations of the Panel and thanked the officers and external organisations that had assisted with the review.

The Chairman stated that one issue identified by the Challenge Panel that possibly required further consideration was NHS Harrow's financial

arrangements. He stated that there appeared to be a lack of consensus amongst different groups over a number of financial issues. The Health Sub-Committee might wish to consider the issue in more detail.

RESOLVED: That

- (1) the Challenge Panel report be noted and agreed;
- (2) the Challenge Panel report be referred to NHS Harrow for consideration.

62. Scrutiny Structures

The Committee received a report of the Divisional Director for Partnership Development and Performance which outlined the recommendations of the Scrutiny Leadership Group on the structures adopted by the Overview and Scrutiny function. An officer outlined the recommendations, as detailed in the report.

A Member of the Committee stated that the Leadership Group should look at the way by which Scrutiny Lead Members could request items for discussion at Committee. He stated that at present there was no formal process in place. The Member also stated that the Constitutional Review Working Group had agreed that the number of scheduled Overview and Scrutiny meetings should remain unchanged, although the situation should be reviewed in 6 months time. Finally, the Member stated that the role of the Performance and Finance Scrutiny Sub-Committee should be considered as a component of the review of the Performance and Management Framework, to ensure that Scrutiny was properly integrated into the Council's performance management process.

RESOLVED: That

- (1) the Health Sub-Committee review its terms of reference to ensure it can:
 - (i) consider the wider health implications of policy proposals;
 - (ii) scrutinise decisions by the proposed GP consortium and the Health and Wellbeing Board.
- (2) Harrow Local Involvement Network (LINK) be requested to nominate up to two Members with the intention that one would become a non-voting co-optee on the Health Sub-Committee;
- (3) HealthWatch be requested to nominate up to two Members with the intention that one would become a non-voting co-optee on the Health Sub-Committee;
- (4) the Local Medical Committee be requested to nominate up to two of its Members with the intention that one would become a non-voting co-optee on the Health Sub-Committee;

- (5) the Performance and Finance Scrutiny Sub-Committee review its terms of reference;
- (6) further work be undertaken in order to consolidate the Pool of Advisers and to strengthen the Overview and Scrutiny Committee's link with residents through the delivery of the work programme.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.24 pm).

(Signed) COUNCILLOR JERRY MILES
Chairman