

Pre-Scrutiny questions and answers on reports being considered by Cabinet on 20 April 2022

(This forms part of the considerations at Group meetings before a decision is made on which Cabinet reports will be called-in for scrutiny by the Overview & Scrutiny and the Finance & Audit Scrutiny Committees)

4. Joint Governance – Stratford on Avon and Warwick District Councils

Question asked by Councillor Syson

The Head of Environmental and Operational Services has listed as their responsibilities:

“To manage the Councils Leisure and community facilities in accordance with policy and budgets” and this will take effect from 3 May 2022.

Will Leisure Facilities be removed from the Culture portfolio at that date and transferred to Climate Change?

Response from

Question asked by Councillor Milton

For decisions made by the JCC what's the scrutiny process? I wasn't entirely clear.

Appendix 3 - does the gendered language need to be neutralised? It assumes that the Head of Service will always be female (vice versa would also be bad.) I'd also prefer the use of Chair rather than Chairman/Chairmen but realise this may not be the place to have that debate.

Is there provision for the submission of late papers? In the current system I normally get asked for my consent of papers that are going to the cabinet that breach the normal deadlines. What would happen if a later paper were needed for the JCC?

Response:

5. Authority Agreement between Stratford-on-Avon and Warwick District Councils

Question asked by Councillor Syson

page 2 of the report states (my emboldening)

"1.5 It is fair to say that some details in the IAA are still under discussion, although it is anticipated that the document will be ready to be executed by the respective Chief Executives **in May, which is when the Agreement would then come into force. For that reason Council is requested to give authority to the Chief Executive to sign the IAA , in consultation with Group Leaders. "**

and page 3:

5 Risk Assessment

5.1 In signing the IAA each Council is making serious legally binding commitments to each other and **therefore all members need to be fully aware** that if either or both Councils later decide to withdraw from or terminate the Agreement there might be significant financial, cultural and reputational consequences. Given those statements, will all members of the Council be given the details of the document which are currently still under discussion, before agreement is given by the Group Leaders?

I ask because there are several very important matters still being discussed such as:

Appendix 1 page 9

5. The Councils are considering the process of identifying and resolving any disputes between the Parties given the integrated nature of the enterprise; as well as finalising the layers of escalation for the management of a dispute including reference to mediation for external input and how a position of deadlock" be dealt with.

Page 9

8.1.4 Heads of termination

Fault based termination - the IAA includes a process for remedying a default (where it is possible to remedy). **The Councils are in the process of finalising the details of the same, to include thresholds for default; the period for rectification; and the scope of the termination triggers will be for**

default. Part of the consideration around the time periods includes consideration as to how long it will take each party to re-establish their in-house service or to enter into a different partnership.

11 Cost of Shared services page 10

11.1.1 The Councils have agreed the principles for the Project Costs for the implementation of the IAA as well as the agreed percentages for calculation of risk and liability under the arrangements. The provisions incorporating these into the IAA **are being fine-tuned**. These will apply on a default basis with any bespoke apportionment being confirmed on a service-by-service basis.

11.3 How will savings be shared? How will surpluses be distributed/invested? (page 11)

This in principle is to align with the agreed percentages being agreed as noted in Paragraph 11.1.

12 INSURANCE, LIMITATION OF LIABILITY, INDEMNITIES AND CLAIMS

12.3 The scope of losses, direct and indirect including any redundancy liability is being agreed between the Councils.

[Response](#)

6. Amendments to the Constitution

Question asked by Councillor Syson

Audit & Standards Committee remit page 9

Although risk is referred to several times in the remit, it does not explicitly say which risk registers will be reviewed by this committee . In particular will the SW Together Programme Risks and the Significant Business Risk Register be considered by this committee?

[Response from Graham Leach – Democratic Services Manager and Deputy Monitoring Officer](#)

This would be the intention and out of step with when they are considered by Cabinet to enable greater discussion and reflection time if required. Perhaps another risk register to consider is that around Milverton homes as well.

2.I note that PABs will now be expected to do pre-scrutiny whereas when they were set up we were told specifically they would not be scrutiny committees. A change of role? Pre-scrutiny is not very much different from scrutiny, which brings me on to my 3rd question.

This is not the intention within the wording of the report and apologies if this is how it comes across. What has been noted is that some PABs are more active than others. What is trying to be achieved here is a reminder that key ideas should be coming through PABs for advice before they come to Cabinet. This will be a point the Leader will be discussing with the Chairmen of the PABs.

3.Pre- meeting questions.

Scrutiny committees are supposed to be there to carefully scrutinise the Council, a safeguard for residents, and are supposed to be non -political. Having said that we obviously have a membership which reflects the political make up of the Council.

It is my overwhelming impression that nearly all the pre-scrutiny questions submitted to both committees come from just 2 of the minority parties. Can you confirm this please?

Since May 2021 we have had pre scrutiny questions as follows: Libs Dems 41 Items, Green 10 Items and Labour 5 Items.

4. At present these question-asking members are spread over 2 scrutiny committees but when functions are split they will be reduced in number for O&S where additional important financial matters will be considered. Will sufficient training be given early on to encourage all members of both committees to take active roles in scrutiny particularly in financial matters for O&S?

Yes this is outlined in the report and dates are being considered for this as early as possible in the new municipal year. Equally we do not know the membership of O&S until annual Council which of course could be replaced by the membership of F&A and therefore there may be a need for training/guidance on the policy and service side instead.

5. Given that the Auditors' have stated that the Council currently faces 3 significant risks

- financial sustainability
- governance around the planned merger
- governance around the new housing company

is this the time to make a change in the committee structure of scrutiny before adequate training to all involved can be given? I can see the logic of change but not the logic of immediate change in the circumstances.

To me this presents an opportunity to change and provide improved governance where a Committee can focus on this specific role and provide alignment with Stratford which in doing so may enable discussions of further collaborative working between Councillors.

6. Item 6 page 9, Appendix 2 Audit & Standards Committee remit,.

Please would you tell me which financial statements are being referred to in:

xvi Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.

To me these are the statement of accounts and associated supporting documents.

7. Safeguarding Adults and Children Policy, Procedures and Information

Question asked by Councillor Syson

1. Page 2 - 5. Risk Assessment

Surely the Policy is also there to protect staff who could be put at risk through false allegations by providing appropriate training?

Do you mean allegations against staff or where staff have raised concerns which turn out to be not be substantiated?

The first as you might imagine is covered through other council policies. Whilst the second is there to support staff through the making a referral process. Staff are raising their concerns and it appropriate that they do that as that concern could form part of an intelligence picture (start or end). We provide staff with training to enable them to recognise and act on their concerns in an appropriate way. The training and policy are to relieve the worry of 'what if it is not correct'.

The Information document also includes the following in the 'Good practice' section: Supervision and appraisal All staff working with or having regular contact with children, young people and adults should discuss safeguarding at one-to-ones and appraisals. Managers should be sensitive to any safeguarding concerns raised by their staff and act on them at an early stage and offer support to their staff.

1.6 of the report also states that 'Elected members ... should also consider internal reports on use of the 1997 Act and the 2000 Act on a regular basis'. Could you clarify how often those internal reports on use of the Acts are prepared and how they are reviewed by elected members?

2. **Page 15 3. How to report a Safeguarding concern** I am a bit surprised that you say you should always contact the Police using 101 if it is not an emergency, and 999 if it is. I don't disagree with the 999 bit, but there must be situations where one is not quite sure if one is imagining things and it is helpful to report that to a Safeguarding officer first for advice and the Safeguarding officer will know if anyone else has reported anything concerning that child or adult.

Advice from all safeguarding professionals are that if you have concerns that someone is in immediate danger then 999 is the appropriate contact number. We provide councillors and staff with the training to recognise the signs various types of safeguarding issues. We would not know as an agency if any other agency had reported issues, therefore the information you report could be the piece that protects that individual from harm.

Should one distinguish a suspicion from a concern – report concerns to the Police but a suspicion to a safeguarding officer first for advice? At the top of page 23 it says "A referral by an officer is regarded as a professional referral and officers should be aware that for cases relating to an adult at risk, the assumption of Warwickshire Safeguarding is that the family will be told where the referral has come from."

I would have thought this is a bit of a deterrent to reporting incidents which are a suspicion, especially if in all cases you are expected to report to the Police, and why I would have thought it helpful to be able to report a suspicion to a Safeguarding officer first for advice.

I think that this is a point that we should highlight more in our training. Concerns should be reported to the police and suspicions to the safeguarding officers as they are different and it is impossible to give examples that cover all circumstances.

In terms of the adult safeguarding cases in most cases the adult must give permission for the referral to be made, therefore the process is more open in terms of the sharing of information with the family. However, it should be noted that it is generally the agency reporting rather than the officer that is named.

3. **Forms and Signs of Abuse:** on pages 24 to 27 you have very helpfully listed the many forms of abuse that exist. I know it is not intended to be exhaustive, but should we now include cyberbullying; it is certainly high on the NSPCC list of child abuses.

This is a good point and I will take it to the safeguarding group for discussion.

4. **Training and Development.**

I note that training is given to all new starters. I appreciate it is then given to those who need it for their job role, but should it at last be offered to everyone every so often?

There is a training programme as part of the council's safeguarding action plan. This has previously included specific training on Prevent, CSE, County Lines, Hate Crime, Trans awareness and Modern Slavery to name a few of the courses. However, we feel that it is important that all new starters to the organisation receive a mandated safeguarding course.

The Information document also includes that 'Safeguarding training/information is provided to reflect changes and updates in guidance or legislation.'

Questions asked by Councillor Cullinan

I wanted to check the SDC position on staff and Councillor DBS checks? Do they have the same policies as WDC?

I do think it's a gap in our safeguarding and this may be a point for change if we need to align our requirements?

Response from Marianne Rolfe – Head of Community Protection

Aligning policies and procedures are one of the key pieces of work for us as officers over the coming years. This policy represents the start of that alignment process in this subject area. We will be reviewing all practises and processes as we progress.

However, in terms of the current WDC stance our use of DBS's is in line with guidance around their use and when it is appropriate to request them. SDC also use the nationally set criteria

8. Significant Business Risk Register

Question asked by Councillor Syson

Initially not a question but 2 comments, then a question. Thank you firstly for the register in risk order - much handier. and emphasises the stark fact that we have 6 risks in the red.

Secondly, I notice

7. Risk of additional financial liabilities

Under triggers has been added: Increased costs because of inflationary pressure greater than allowed for within Council's Budget and Medium-Term Financial Strategy.

I am relieved to see this as it was raised by Cllrs when the Budget was being set.

Now a question prompted by this Risk Register, the SW Together Programme Risks, and staff and member briefings in relation to the merger.

We are faced with many outside pressure, but are totally in the hands of our staff who in turn are faced not only with the results of our outside pressures but also with considerable change in the near future. Given that, does our Human Resources Risk, summarised as 5. Risk of staff not developed effectively, adequately reflect the situation?

[Response](#)

9. HEART Shared Service Partnership

Questions asked by Councillor Milton

1. Could you clarify what the recommendation actually is please as the wording seems a little unclear especially when compared to the three options set out in section two. If this proposal is agreed how is the decision made to commit to a five year partnership and who else will be consulted in making that decision?

The recommendation is essentially to extend the partnership agreement with HEART for a further year (recommendation 1B) to enable work to take place to reshape the service

It is proposed that a further report be presented later in the year (recommendation 2) to report on progress and seek approval for the recommended way forward (considered to be a refreshed County wide partnership)

2. The way that the recommendations in 1.23 are written needs to be strengthened. Using words like 'reflect' or 'consider' seem rather soft and it would be preferable in my view to strengthen these so it's clear what the action is, what the output would be and what the anticipated outcome would be. For example 'Bring forward recommendations for reporting customer satisfaction to the board on a timely basis to ensure customer needs are taken into account in the service design?'

The wording is taken from the HEART Board report. We will feed back these comments to the Board and ask that the strategic purpose is amended to take into account the suggestions made.

3. How have recipients of the service been consulted in bringing forward these recommendations?

Recipients of the service have not been consulted at this stage of the process.

4. What consideration has been given to operating this service at a South Warwickshire level, and if this option has been considered why has it been discounted?

Appendix 3 sets out the options and offers some detail on these.

Further to the information contained in the Appendix, initial thinking identified the following concerns and risks associated with establishing a South Warwickshire level service:

- The need for a transformational resource: where would the skills and experience be brokered from and how this would be funded.
- The duplication in management functions and therefore in management costs.
- The risks of undertaking a significant transformation of the service at the same time as major transformation is taking place between the two Councils. The impacts on governance, senior officer time and funding resources are considered to present considerable risks at this time.
- Should the Council/s withdraw from HEART, they would seek to establish a similar model in any case, as this approach is highlighted by Government as best practice.

Questions from Councillor Kohler:

1. Please could you remind me who are the members of the HEART board?

Response:

The HEART Partnership Management Board includes an appointed officer from each of the Districts and Boroughs and one appointed officer from Warwickshire County Council.

2. Thank you for the data in Appendix 1:

- a. Please could you describe what 'End to End' means?
Assuming this question refers to the top right chart on page 1 of appendix 1, end to end in this context means from the initial enquiry with the HEART Service to practical completion, which is the stage at which all works are complete and the adaptation/equipment serviceable
- b. Does the data for 2021/22 cover the whole financial year or is in partial data?
Partial data from the beginning of the year until the end of February 2022
- c. Is there are definition for how someone is considered to be on the waiting list? For example, are they residents waiting to have an assessment or has work been approved, but not yet completed?
For us the waiting list is those awaiting for an assessment. The others are in progress
- d. The Approvals data for 2020/21 & 2021/22 has presumably been impacted by the pandemic. Were approvals effectively suspended for part of those years, for example, during one or more of the lockdowns?
The lockdowns caused problems as Heart staff could not go out and visit and had to adapt. Heart did not suspend approvals but made approvals based on average costs because the contractors could not go and quote. These then had to be reworked later on. So in effect – more steps in the process and more cases to

manage which slowed everything down

3. Appendix 2 - para 1.2 mentions that the service is delivered by two teams - north and south. Does the north team cover all of Rugby borough as well as Nuneaton & Bedworth and North Warks, leaving the south team to cover Warwick and Stratford districts or is it not as simple as that?

Yes – North is NWBC, NBBC and RBC. However, the teams are able to help each other out when pressure is rising in any particular area or within an OT or HAO team. Resilience was part of the benefits i.e. ability to cover sickness or vacancies.

Questions asked by Councillor Cullinan

Does the graph in Appendix 1 refer to number of days wait? I guess this is an average?

Yes - Please see attached revised Appendix 1 (attached to this document)

I am concerned that our figures do not differentiate as SDC do on value of DFG? Could we align with their recording and split into under and over £5000K?

The HEART Board are attempting to align all reporting and this request can be taken forward as part of the review

I do think this would provide better information breakdown and ensure the more costly DFG's are not left waiting longer in order to lower waiting lists? This would assist in monitoring improvements.

To provide some reassurance, work is undertaken on a prioritised basis. A triage system assesses approaches as they come in and urgent cases are given high priority, all other work has a standard level of priority and are dealt with in date order

1.13

There is increasing need, yet WDC spend is going down. Of course, this is somewhat affected by Covid but does seem to be a trend that started pre Covid?

What happens to the underspend amounts each year?

The underspends are carried forward.

4.5

I do feel this requires a more empathic description. A wheelchair bound person unable to leave their home, if there is no ramp, is not able to live the life they would wish? This is a severe loss of freedom, especially if there is a long wait. It is not supporting equality.

I concur with your view in relation to the impact of the service however it is not deemed necessary to undertake an Equality Impact Assessment for the purposes of this report, which proposes extending and improving the service

4.2.2

Is this an error?

Financial

SDC....

Warwick-no information

The Housing team is waiting for comments from the Financial team.

Could Councillor representatives observe on Board meetings? Do they already attend?

There is no facility for observers on the board. No Councillors attend. We can raise this issue at a future board meeting.

10. Masterplanning Framework for Land to the North and East of Kenilworth/South of Coventry

Question asked by Councillor Milton

Thanks for the work on the Item 10 regarding the Masterplan framework for the North East Kenilworth/South Coventry area. Given everything that's going on in this space it seems like a sensible approach in my view.

I am however keen to ensure that there is good local engagement in this exercise. To that end would it be possible to reword 1.23 to make a commitment to set up a wider stakeholder group rather than it being a possibility/aspiration. At the moment it is described as 'likely' and there is a list of members it 'may' include. It would be good if both these statements could be made definite.

Councillor R Dickson: I add my support to Councillor Milton's request.

[Response](#)

12. Community Projects Reserve

Questions asked by Councillor Dickson

In paragraph 1.4.5 it states that WCC have been asked to contribute towards the refurbishment costs of St Mary's church tower but have refused to contribute.

What reason(s) have WCC given for this decision for such a prominent and historic building in the county?

[Response](#)