

# DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in Committee Room 2, County Hall, Durham on **Monday 23 October 2023 at 9.30 am**

**Present:**

**Councillor R Crute (Chair)**

## **Members of the Committee:**

Councillors V Andrews, A Batey, J Charlton, J Cosslett, B Coult, S Deinali, P Heaviside, L Hovvels, M Johnson, P Jopling, C Lines (Vice-Chair), C Martin, I McLean (substitute for K Shaw), J Miller, B Moist, E Peeke, A Sterling and A Surtees

## **1 Apologies**

Apologies for absence were received from Councillors J Elmer, C Marshall, A Reed and K Shaw.

## **2 Substitute Members**

Councillor I McLean was present as substitute for Councillor K Shaw.

## **3 Minutes**

Matters Arising

With regards to the minutes from 22 September 2023, Councillor E Peeke suggested an amendment at paragraph 6 of item 4 - the first section to read as follows;

*Councillor Peeke said that the responses to the survey were not good, and she was surprised as so many people were on the forum and asked how many people were accessing it. She went on to discuss neutrality and how this could be achieved when there was a lack of public volunteers who want to be board members and who do not represent organisations who apply for and receive funding from their AAP. With regards to funding she agreed that it was the same people applying again and again and also agreed that it was difficult for smaller villages and organisations to apply for the funding.*

The minutes of the meetings held on 1 and 22 September 2023 were both agreed as a correct record, subject to the above amendment and signed by the Chair.

#### **4 Declarations of Interest**

There were no declarations of interest.

#### **5 RIPA Q2 2023/24**

The Board received a report of the Head of Legal and Democratic Services which provided information about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period of 1 July 2023 and 30 September 2023 (for copy see file of minutes).

#### **Resolved**

- i. That the quarterly report on the Council's use of RIPA for the period covering quarter 2 2023/2024 be received
- ii. That the powers were being used consistently with the Council's policy and that the policy remained fit for purpose.

#### **6 RIPA Annual Report 2022/23**

The Board considered a report of the Head of Legal and Democratic Services which provided information about the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period of 1 April 2022 to 31 March 2023. The report also presented proposed changes on the Council's Corporate RIPA Guidance as part of the annual review for comment by the Board prior to its consideration by Cabinet (for copy see file of minutes).

The Head of Legal and Democratic Services referenced the detailed RIPA training that had been delivered to authorised officers as well as awareness training to all tier four and five managers. The report also detailed the findings of a recent desktop inspection following a letter received from the investigatory Powers Commissioners Office (ICPO). Members were advised that having reviewed the information provided, the inspector had determined that it was not necessary to conduct an onsite inspection. The inspector expressed satisfaction with the council's corporate guidance and the level of training provided. Whilst making no formal recommendations, he did provide feedback on the authorisations for directed surveillance and CHIS.

The Head of Legal and Democratic Services reported that four areas were proposed for amendment as part of the annual review of the corporate RIPA guidance. The Corporate Overview and Scrutiny Management Board would

continue to provide in-year oversight of the use of RIPA powers and be able to provide comment, however, changes to the Corporate RIPA guidance would be approved by Cabinet. This would ensure that the Council's arrangements fully reflected the requirements of the Code of Practice.

An abridged version of the guidance had been drafted which if approved was proposed to be published on the council's website. This would provide the public with an overview of and greater transparency in relation to how the council uses RIPA powers.

**Resolved:**

- a) That the Council's use of RIPA during the period 1 April 2022 to 31 March 2023 be noted;
- b) That the proposed changes to the Council's Corporate RIPA Guidance be noted;
- c) That the abridged RIPA policy document be noted;
- d) that the revised Corporate RIPA Guidance will be approved by Cabinet and the abridged RIPA policy be published on the Council's website.

## **7 Annual Representations report 2022/23**

The Board considered a report of the Corporate Director of Adult & Health Services which provided an overview of statutory representations relating to adult social care services for the period 1 April 2022 – 31 March 2023 (for copy see file of minutes).

J Walt, Service Manager, Operational Support reported on the key issues and confirmed a 20% increase in the number of complaints investigated. She highlighted an increase in joint Health complaints, of which the Council had taken the lead in investigating and responding to four, with a further nine investigations which had been led by Health and therefore not included in the reported figures.

The most common reason for making a complaint in 2022/23 had been the Finance – Charging Policy, identified as a factor in 33.5% of complaints, similar to the previous year.

Councillor Hovvels confirmed that Members often received complaints about Social Worker caseloads which appeared to be increasing. She queried whether there was any correlation between social worker caseloads and complaints received..

Councillor Jopling had concerns about the high number of complaints regarding care charges in case there were people who could genuinely not

afford to pay and the Service Manager, Operational Support, confirmed that had been some issues with the timing of invoices and complaints regarding the clarity of the calculations. The Service Manager, Operational Support indicated that the service had developed charging factsheets in an attempt make the calculation of charging and invoicing clearer.

Councillor Andrews noted that the low numbers of complaints about personal care and safeguarding were a credit to the service but queried the monitoring process of private care companies. The Service Manager, Operational Support confirmed that if the Council received complaints about commissioned services, data would be included in the report, but noted the concern about private care homes.

In response to a comment from Councillor Coult regarding the lack of communication with service users, the Service Manager, Operational Support advised that the service was proactive in reminding staff of the importance of sharing information, particularly in relation to fees and charges and was a consistent message to staff throughout development programmes.

Councillor Miller raised an issue which had been highlighted from a customer who had responded to an email regarding fees and charges, only to find weeks later that the email address was not monitored. He wondered if there were any other examples of this issue and how it could be resolved. The Service Manager, Operational Support agreed to refer the issue to the service for clarification.

Councillor Batey suggested that guidance should be simplified and the Council should not assume that all service users were able to use technology, particularly those who were vulnerable or elderly.

Councillor Surtees requested a breakdown of the data to confirm whether any of the 95 complaints received involved private care providers.

The Chair advised that mitigation was important to prevent reoccurring issues. He highlighted a recent Local Government Ombudsman decision which had been issued to the Council regarding a complaint about care charges which included a recommended financial remedy. He also stressed the importance of sharing the learning from complaints to ensure that the number of repeat complaints reduced and that service improvements were delivered.

## **Resolved**

- a) That the contents of the report be noted
- b) That the AHS Annual Statutory Representations Report be received

- c) That the publication of the AHS Annual Statutory Representations Report be agreed

## **8 The County Durham Pound Project Update**

The Board considered a report of the Head of Procurement, Sales and Business Services which provided an update on the progress of the County Durham Pound project (for copy see file of minutes).

K Wilson, Strategic Category Manager, Resources and D Howe, Social Value Co-ordinator provided a detailed presentation which identified the aims and objectives of the project and progress to date (for copy of slides see file of minutes).

The Board were played a short video from Amazon Business which described how the Council had introduced them to the Durham Pound initiative. This had led to the implementation of a local purchasing filter which identified where sellers were based and allowed buyers to prefer national, regional or local products. It assisted organisations to choose to benefit local businesses through their purchasing. A filter which had been derived between the Council and Amazon Business had transitioned into a global scheme that was available in European countries and some parts of the United States.

Councillor Jopling queried some monetary figures included in the presentation, for eg. the number of car miles saved and they appeared to be extremely low. The Social Value Co-ordinator advised that the figures were likely to be higher but this element had not been included in all of the data submitted.

Councillor Sterling noted that three companies could no longer commit to the initiative and asked whether there was a facility for feedback to be provided and whether they had done so. The Strategic Category Manager, Resources advised that feedback from organisations was welcome and the issues reported were due to the level of commitment required and a lack of resources. Councillor Sterling was surprised as one of the companies was a sizeable organisation with a lot of resources. In response to a further question regarding the potential for small businesses to take part in the scheme, she was advised that a charter was being developed for launch in 2024 and in addition to core partners, it would be open to all other organisations who supported the objectives and were interested in training.

Councillor Coult queried whether there were any plans to find replacement organisations for those which had been lost. She also wondered how improvements could be made to reduce emissions, noting that some of the Partners had a huge number of vehicles on the road. The Strategic Category

Manager, Resources advised that Procurement were bringing the initiative to the attention of local businesses, through the introduction of the charter and also engaging with those who felt that they could not commit. Environmental measures were being looked at with CERP and the Carbon Reduction Team.

Councillor Batey complimented the presentation and acknowledged the work done so far, however she was aware that members of the public in her locality were travelling outside of County Durham to access leisure facilities and felt that the Council needed to invest in their own facilities in order to fully promote the scheme. She referred to the County Durham Playing Pitch Strategy in 2021 which had demonstrated local need.

Councillor Deinali queried the level of evaluation provided by investment from the County Durham Plan as she was interested to know the benefits which had been provided after three years of investment into schemes such as the family hub. The Social Value Co-ordinator advised that the County Durham Pound was driven from a procurement angle however the scope could be expanded to include social value.

Councillor Surtees endorsed the scheme and appreciated the conversion of measures to monetary value. To signify the importance of social value, she highlighted her own experience of grant funding, which had transformed £30k of investment to over £80k with added social value. This was money that was in her opinion gifted to the community and she praised the team for everything that they had done. It was disheartening that Partners had left but she hoped that they could be convinced to return.

Councillor Crute queried whether the scope of the project could change, particularly with plans for a combined authority and whether it would expand to become a North East Pound. The Strategic Category Manager confirmed that other authorities had their own initiatives that she was interested to hear more about and the Council would work with them to continue the success already achieved.

Councillor Hovvels referred to her own experience in the voluntary sector and the wide range of funding that was available for small grassroots organisations, of which there were so many in the County and she was interested to see if the Council could develop social value to measure their impact.

Councillor Lines highlighted the importance of effective engagement with other authorities whilst maintaining and promoting County Durham's distinctive character as a tourist destination. He suggested a further update be provided to assess the impact following publication of the charter.

## **Resolved**

- (i) That the success to this point of the County Durham Pound Project culminating in the achievement of the National Social Value Award be noted
- (ii) That the next phase of the Project and procurement activities outlined to enhance the desired project outcomes be supported

## **9 Working Well Survey 2022**

The Board received a report of the Corporate Director of Resources which provided an overview of the Council's survey results from the Working Well Survey undertaken between 10 October and 7 November 2022 and the identified key priority areas and proposed actions following the results (for copy see file of minutes).

A Lazizzera, Head of HR and Employee Services advised that 35.6% of employees had completed the survey and overall, the findings were broadly positive, with a high survey response rate, particularly within the context of the number of organisational changes since the last comparative survey in 2017.

The following five areas of improvement had been identified;

- Clarity of the council's vision and priorities (including service priorities)
- Internal communications and engagement
- Senior management demands
- Awareness of staff networks
- Improve and promote employee benefits

When considering the results, it was important to acknowledge changes since 2017, including the impact of Covid-19, life choices being made, the ageing workforce, national recruitment challenges, unrest and industrial action across many sectors, and the cost of living crisis/poverty.

Councillor Jopling stated that Members often heard directly from employees that were not satisfied with their job and wondered if staff chose not to complete surveys due to a fear of being identified. 65% of the Council's employees had not responded and she had concerns that their views would skew the figures.

The Head of HR and Employee Services confirmed that the anonymity of the survey was made as clear as possible to employees but it was difficult to pinpoint the reasons for not participating. The service were considering how to address this issue and had made enquiries with Trade Unions to consider how to reach the remaining 65%. There were a number of alternative

mechanisms such as regular quick-checks, sickness absence reviews and the grievance policy. Managers were required to encourage employees leaving the organisation to undertake exit interviews where possible however it was not a requirement for employees. Health Advocates could assist but not on a managerial level.

The Chair acknowledged the difficulty in encouraging staff to undertake the survey and attend exit interviews that were not compulsory, however with a five year gap since the previous survey and the changes which had been presented, he had expected a lot more variation to the responses. Overall it was consistent and positive but he shared concerns that staff were not comfortable enough to approach their manager. He suggested that if staff appreciated the value of the data, it may encourage them to take part.

With regards to the issue of confidentiality, Councillor Peeke wondered whether staff would be more willing to take part in surveys if they were on paper - in her experience this worked better.

Councillor Batey commented on the many changes due to Covid-19 and the new hybrid working model, however she was concerned that some employees were only having one meeting with their manager per month as this was not sufficient to check their health and wellbeing. She also had concerns that webinars were becoming the norm and advised that staff roadshows which had previously been face to face, were held via MS Teams. She too shared concerns that the surveys may have been completed by staff that were content but not those with issues.

The Head of HR and Employee Services advised general meetings and team calls with colleagues were more regular but one to ones were required to be undertaken regularly by Managers. These were recorded sessions that were either weekly, fortnightly or monthly. With regards to staff roadshows, attendance was found to be better on digital platforms and Dear John was a popular means to contact the Chief Executive anonymously and ask questions.

In response to a further comment about the response rate of PDR's, the Head of HR and Employee Services advised that the figures included those that were completed late or employees that had transferred to other roles.

Councillor Moist had been enlightened by the report and it was recognised that Covid-19 had impacted on mental and physical health, however like others he was concerned that people who were struggling may not have responded to the survey. He moved on to query the wellbeing of elected members and the lack of an outlet for them to highlight welfare concerns. Although Councillors were not employees, they were duty bound and sometimes endured a lot of stress due to their role. The Head of HR and



Employee Services responded that there was a lot of ongoing work to target mental health in the workplace and analysis of data from the counselling service to confirm what support was required. She would make further enquiries with the Head of Legal and Democratic Services with regards to what could be achieved to ensure the wellbeing of elected members of the Council.

Councillor Sterling had been encouraged to the value of flexible working and queried what equipment and support was offered to permanent home workers. The Head of HR and Employee Services confirmed that there was a very small cohort of permanent home workers however a safe home environment subject to risk assessment was required and regular contact was made by managers. In response to a further comment from Councillor Sterling regarding the health benefits that home working provided for some individuals, the Head of HR and Employee Services confirmed that permanent homeworking was granted in terms of a reasonable adjustment, but employees were not restricted and could still attend the office.

Councillor Surtees suggested that in addition to the facility for staff to write anonymous letters to the Chief Executive's, it may be beneficial for them to have the same ability to write to the Head of HR and Employee Services.

The Chair added that had been significant changes since 2017 and a consistent approach was difficult. He queried whether any benchmarking had taken place and whether it was possible to recruit a core cohort of survey respondents to act as a control group. The Head of HR and Employee Services advised that there had been a similar response rate in other local authorities which had carried out staff surveys, however some did no and the average response rate was similar, between 30-40%.

**Resolved:**

That the report be noted.

**10 2023/24 Quarter 1 Performance Management Report**

The Board considered a report of the Chief Executive which provided an overview of progress towards delivery of the key priorities within the Council Plan 2023-27 and covered performance in and to the end of quarter one, 2023/24, April to June 2023 (for copy see file of minutes)

T Gorman, Corporate Policy and Performance Manager, Corporate Affairs gave a detailed presentation and advised that the amount generated by the visitor economy had exceeded £1bn in 2022.

Councillors B Moist and J Charlton left the meeting at this point and did not return.

Councillor Miller noted that Durham was underperforming with regards to homelessness both regionally and nationally and he wondered if anything could be gained from neighbouring authorities. With regards to public transport, Councillor Miller advised that there were some issues with reliability and if buses did not turn up, it significantly impacted people who used them to get to work. He knew of journeys which had taken four times longer after multiple services had failed to pick up.

Councillor I McLean left the meeting at this point and did not return.

The Corporate Policy and Performance Manager, Corporate Affairs advised that the £2 maximum single fare had been introduced to encourage more use of public transport, however there were issues nationally with the recruitment of drivers which impacted on service provision and in addition to strikes, the desirability of public transport was reduced.

The Chair added that despite significant investment by the government, the strikes were impacting negatively on travel and he advised that the North East Joint Transport Committee's Bus Service Improvement Plan would cover the entire region and its aim was to deliver a better service for passengers.

Councillor J Miller left the meeting at this point and did not return.

Councillor Jopling observed that the cost-of living crisis had driven additional contact in relation to housing benefit and council tax reduction. She referred to the data provided on apprenticeships and had herself received some negative feedback from apprentices who felt that they had not been given enough work to do and were under stimulated. She was concerned that this may result in incomplete apprenticeships.

The Corporate Policy and Performance Manager, Corporate Affairs advised that success rates were measured through exit interviews and he would look for information regarding course completion. There had been some issues which would hopefully improve after the appointment of a new provider.

Councillor Surtees referred to the increase over the years in requests for EHCP's which were continuing to rise and whilst she appreciated the pressure on Educational Psychologists and the issues with recruitment, she queried the impact on young people while they were awaiting assessments and the burden this had on social workers. She had also noticed an increase in elective home education and queried whether a breakdown of primary/secondary children could be provided. She queried whether there

could be a link with the increase in SEND and children being educated at home.

The Corporate Policy and Performance Manager, Corporate Affairs confirmed that he was not able to confirm whether there was a link between increased SEND and EHE however there was a lot of ongoing work to improve performance regarding EHCP's. In response to a further question from Councillor Surtees regarding free school meals, he advised that the figures for FSM did not include children who were universally eligible.

The Chair referred to a previous Overview and Scrutiny review of EHE which had been considered by Cabinet in 2020 and had raised concerns about the ability to safeguard children who were being educated in the home.

Councillor Lines added there would be further reductions to bus services going forward which would hopefully be addressed by the BSIP. This was also impacting tourism and the economy and he gave an example of young people living in Fishburn who were unable to get a bus to Newton Aycliffe despite it being only a few miles away.

The Chair complimented the new format of the report which included performance data dashboards and the addition of links to external websites.

## **Resolved**

1. That the overall strong position and direction of travel in relation to quarter one performance, and the actions being taken to address areas of challenge be noted.
2. That the changes and improvements to the new format performance report which will be used exclusively from quarter two 2023/24 be noted.