

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.05 P.M. ON TUESDAY, 12 JANUARY 2010

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Sirajul Islam (Chair)

Councillor Tim Archer
Councillor Stephanie Eaton
Councillor Alexander Heslop
Councillor Ann Jackson
Councillor Denise Jones
Councillor A A Sardar

Co-opted Members Present:

Mr Ahbab Miah – Parent Governor Representative

Other Councillors Present:

Councillor Anwara Ali
Councillor Abdul Asad
Councillor Marc Francis
Councillor Peter Golds
Councillor Joshua Peck

Guests Present:

Jamie Carswell – (Director of Strategy and Performance, Tower Hamlets Homes)

Officers Present:

Lutfur Ali – (Assistant Chief Executive)
Shamima Begum – (Administrative Assistant, Scrutiny & Equalities)
Isobel Cattermole – (Acting Corporate Director, Children, Schools & Families)
John Coker – (Strategic Housing Manager, Development and Renewal)
David Galpin – (Head of Legal Services (Community))
Sarah Gullo – (Communications Officer, Corporate

	Communications)
Afazul Hoque	– (Scrutiny Policy Manager, Scrutiny & Equalities)
Michael Keating	– (Service Head, Scrutiny & Equalities)
Helen Taylor	– (Acting Corporate Director Adults Health & Wellbeing)
Matthew Vaughan	– (Political Advisor to the Conservative Group)
Angus Taylor	– (Scrutiny and Regulatory Team Leader, Democratic Services)

COUNCILLOR S. ISLAM (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor A. Miah.
- Mr H. Mueen Uddin Co-opted Muslim Community Representative
- Mr Gavin Cannsfield, Chief Executive - Tower Hamlets Homes for whom Mr Jamie Carswell, Director Strategy and Performance - Tower Hamlets Homes was deputising.

Apologies for lateness were received on behalf of Councillor A. Asad, Lead Member Children, Schools and Families.

Noted

2. DECLARATIONS OF INTEREST

Councillor A. Ali declared a personal interest in Agenda item 7. “Scrutiny Spotlights – Health and Wellbeing”. The declaration of interest was made on the basis that the the item of business might involve discussion of matters pertaining to the Tower Hamlets Primary Care Trust, and Councillor Ali was an employee of the Tower Hamlets Primary Care Trust (a General practice in Spitalfields).

Councillor D. Jones declared a personal interest in Agenda item 7.1 “Scrutiny Spotlights – Health and Wellbeing”. The declaration of interest was made on the basis that the item of business might involve discussion of matters pertaining to the Tower Hamlets Primary Care Trust and Councillor Jones was a non-executive member of the governing body of Tower Hamlets Primary Care Trust.

Councillor A. A. Sardar declared a personal interest in Agenda item 7.1 “Scrutiny Spotlights – Health and Wellbeing”. The declaration of interest was made on the basis that the item of business might involve discussion of matters pertaining to the Tower Hamlets Primary Care Trust and Councillor Sardar’s daughter was employee of the Tower Hamlets Primary Care Trust (a member of staff at the Stroudley Walk Primary Care Centre).

Councillor D. Jones declared a personal interest in Agenda item 7.2 “Scrutiny Spotlights – Children Schools and Families”. The declaration of interest was made on the basis that the item of business might involve discussion of matters pertaining to secondary schools in general and perhaps Mulberry Secondary School in particular and Councillor Jones was a member of the governing body at Mulberry Secondary School.

Councillor S. Islam declared a personal interest in Agenda item 7.2 “Scrutiny Spotlights – Children Schools and Families”. The declaration of interest was made on the basis that the item of business might involve discussion of matters pertaining to secondary schools in general and perhaps Mulberry Secondary School in particular and Councillor Islam’s daughter was a pupil at Mulberry Secondary School.

Councillor A. A. Sardar declared a personal interest in Agenda item 7.2 “Scrutiny Spotlights – Children Schools and Families”. The declaration of interest was made on the basis that the item of business might involve discussion of matters pertaining to secondary schools in general and perhaps Marner Primary School in particular and Councillor Sardar was a member of the governing body at Marner Primary School.

Councillor A. Heslop declared a personal interest in Agenda item 8.1 “Performance Monitoring Update - Housing”. The declaration of interest was made on the basis that the item of business related to the Authority’s performance in relation to housing services, including that of Tower Hamlets Homes and Councillor Heslop was a representative of the Authority on the governing body of Tower Hamlets Homes and a Tower Hamlets Leaseholder.

Councillor D. Jones declared a personal interest in Agenda item 8.1 “Performance Monitoring Update - Housing”. The declaration of interest was made on the basis that the item of business related to the Authority’s performance in relation to housing services, including that of Tower Hamlets Homes and Councillor Jones was a representative of the Authority on the governing body of Tower Hamlets Homes.

Noted.

3. UNRESTRICTED MINUTES

The Chair **Moved** and it was: -

Resolved

That the unrestricted minutes of the ordinary meeting of the Overview and Scrutiny Committee held on 1st December 2009 be approved and signed by the Chair, as a correct record of the proceedings.

4. REQUESTS TO SUBMIT PETITIONS

Nil items.

5. REQUESTS FOR DEPUTATIONS

Nil items.

6. UNRESTRICTED REPORTS 'CALLED IN'

Nil items.

7. SCRUTINY SPOTLIGHTS

7.1 Health and Wellbeing

Councillor Anwara Ali, Lead Member Health and Wellbeing, gave a presentation on the key issues, achievements and challenges arising from her portfolio which focused on the points set out below.

The Chair informed members of the Overview and Scrutiny Committee that a paper containing the main points of the Lead Member presentation had been **Tabled**, a copy of which would be interleaved with the minutes.

Key headlines of current service provision in response to demand for social care and homecare from residents:

Achievements

- *Performance assessment:* rated “Excellent” for 6th year, in annual performance assessment for adult social care, and improved customer satisfaction ratings which compared favourably with other authorities.
- *Telecare* now a free service with significantly improved uptake (76%) particularly amongst BME communities.
- *Additional resources* - £1 million from reserves identified to improve services supporting older people, allocated to expansion of lunch club provision and also aids/ adaptations which enabled older people to remain in their own home.
- *Beacon Award* for positive engagement of older people.
- *Initial feedback from the Care Quality Commission Inspection* of November 2009 was good.
- *Linkage Plus:* Increased emphasis on outreach and prevention, with the Council and PCT providing £640,000 joint funding for a successful pilot project.
- *National pilots* for Integrated Care, Health Needs Assessments of Carers and Home Improvement Agency - Tower Hamlets lead role.
- *Transforming Adult Social Care Programme:* successful pilot work following Cabinet approval, which increased choice and control for service users through a “Personal Budget”.
- *Re-ablement service introduced:* assessment of support needs for elderly on hospital discharge to enable them to come to terms with living alone

Challenges

- *Improving safeguarding of vulnerable adults at risk of abuse.* A much higher priority nationally in the context of Baby P and some high profile media cases. Tower Hamlets leading work in the field with a Safeguarding Adults Board established (and to be strengthened) to work closely with that for Children and jointly with partners eg PCT and Police. Attention to now focus on engaging other organisations such as RSL's that dealt with older people.
- *Full implementation of Transforming Adult Social Care Work* – a lengthy process with huge service implications.
- *Improving value for money.* In the context of future public sector funding constraints an innovative approach to provision of social care and home care was needed to achieve savings without any significant impact on service delivery.
- *Integration of Social Work teams and Community Nursing Teams.* The Council must work to meet patient demands for all their needs to be assessed at one point, rather than having separate appointments with various health professionals. Much work done under Corporate Director guidance but would require information sharing and adoption of best practice. Performance was however lagging against LAA targets, and the implications for employees of the PCT and Council needed worked through, as did the future scrutinising role of the Council.
- *Working Closely with NHS Tower Hamlets on moving care closer to home.*
- *Increasing employment of people with learning disabilities and mental health problems.* An issue of concern which was under constant examination.

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which Councillor Ali and Ms Helen Taylor, Acting Corporate Director Adults Health and Wellbeing, responded. The question and answer session was centred on the following points:

- Requested that Committee members be provided with an analysis of telecare and homecare service provision by ward.
- Complaints:
 - Requested that Committee members be provided with an analysis of complaints received by stages reached in the complaints process. New national procedure for adult social care complaints to be circulated for information.
 - Mechanisms in place to capture valuable learning from complaints/ mistakes particularly with reference to those relating to staff attitude.
- In the context of acknowledged health inequalities in Tower Hamlets (example: life expectancy compared to London or nationally) the direction given/ steps taken to address these, and in particular that relating to the prevalence of diabetes in BME communities.
- Lunch clubs:

- The rationale for closure of lunch clubs on the Isle of Dogs in 2009 as a result of the mainstream grants process and the future approach boroughwide.
- Response to complaints from older people regarding lunch club closures on basis of value for money assessment.
- Requested that Councillor Archer be provided with details of the geographic location of 11 additional lunch clubs
- Whether there was potential for budgetary constraints to impact on service provision and the various elements of the approach being taken to obviate this: savings generated through prevention, managing sickness absence, managing staff remuneration, integration of operational establishment, deletion of redundant posts.
- Clarification sought and given as to the numbers of older people from Tower Hamlets receiving care outside the borough rather than in residential homes within the borough, the reasons for this, and whether this distorted performance statistics. Councillor Archer to be provided with out of borough placement figures.
- Arrangements in place for smoothing the transition from childhood to adulthood for young people, particularly those with mental health issues, learning disabilities and autism. Also mechanisms for influencing service provision in this area by partner organisations (PCT, East London Foundation Trust). Further details to be provided to Councillor Jackson.
- Outcomes relating to referrals to AHWB for assessment of care needs: upheld/ not upheld, main problems identified. Also arrangements to ensure public awareness of care entitlements and understanding of the referral process. Councillor Jackson to be provided with data on the number of assessments that led to a service outcome.
- Given that assessment of mental health needs and support had been problematic in the past, what measures had been taken to address this and what was the current position.
- The reasons for the unexpectedly low numbers of those accessing the substance misuse service, indicated in the Lead Member presentation.
- With reference to the move to Personal Budgets, as part of the transformation of adult social care, the measures being taken to minimise financial abuse of older people.
- With reference to the challenge of reduced budgets and achieving value for money, the current level of dependence on agency staff in AHWB. Also the strategy for closer joint operational working with partners such as the PCT.
- In the context of acknowledged late diagnosis of cancer borough-wide, and the spread of related responsibilities across agencies, the steps being taken to mitigate this phenomenon, in particular those relating to a communications strategy.
- Joint working being undertaken with partners to control fast food businesses, particularly with reference to planning policy, and more general initiatives to mitigate the impact of fast food on health through promotion of health options.

- Concern expressed regarding the quality of homecare: lack of continuity in staff dealing with individual elders and visits being of insufficient duration to provide the service required, particularly with travel time being included within this, and how this should be addressed.
- Concern expressed regarding the quality of district nursing care and clarification given as to steps taken to influence the quality of provision by partners.
- In the context of the Government strategy to move towards healthcare delivery through polyclinics rather than hospitals, what approaches could be taken to build the confidence of residents regarding the quality of healthcare provided at polyclinics, particularly for children and older people, and so change behaviour patterns.
- Whether there were any challenges or concerns identified in the recent Care Quality Commission inspection.
- The need to ensure that a local focus was maintained in providing for the healthcare needs of residents, in the context of the major regional reconfiguration of PCT's and the requirement for joint working/ integration where possible.

7.2 Children Schools and Families

Councillor Abdul Asad, Lead Member Children's Schools and Families, gave a presentation, supported by Ms Isobel Cattermole, Acting Corporate Director Children Schools and Families, on points of detail, which:

- Set out the key issues, successes and challenges arising from his portfolio.
- Responded to concerns expressed by the Committee in December 2009, in relation to quarter 2 (September 2009) under performance against indicators for Children/ Education.

the points which the presentation focused on are set out below.

The Chair informed members of the Overview and Scrutiny Committee that a paper containing the main points of the Lead Member presentation had been **Tabled**, a copy of which would be interleaved with the minutes.

Successes

- The Ofsted annual assessment rating of Children, Schools and Families (CSF) Directorate, gave it the top grade of 4 "Performs Excellently" and commended work done with vulnerable groups in the borough.
- Beacon Award for work on child poverty.
- Some excellent exam results achieved young people from Tower Hamlets at both primary and secondary level. Results were above the national average at Key Stage 2, and progressing particularly well in maths between Key Stages 1 and 2. GCSE results this year were the best ever and improving at twice the national average.

- A reduction in the number of children and young people not in education, employment or training.
- An increased number of 13-19 year olds accessing youth work services in the borough.
- 100% of final statements of special education need were issued within 26 weeks.

Performance concerns

CSF had a policy of setting challenging targets as a spur to accelerated progress and particular care was being paid to the 8 performance indicators. Slide 3 before the Committee showed progress since quarter 2, but two indicators remained of concern:

- A level attainment: performance had dipped against national figures. An ambitious action plan included: robust progress monitoring, targeting individual pupils with additional tutoring, increased opportunities for 6th form providers through professional development/ sharing good practice.
- More needed to be done to ensure that primary schools did not slip below floor targets for Strategic Indicators 317 and 318: Reasons for underperformance varied with different schools, but none were persistently under-performing. Intervention measures were outlined, but concerns remained about the implications of Head Teacher turnover.
- For the other 6 indicators, much progress had been made and the direction of travel was encouraging. Performance was above the national average and improving for most targets across the piece, but unlikely to be met entirely.

In relation to the concern expressed regarding some social care targets:

- Initial and core assessments for social care: unprecedented volume nationally of referrals after Baby P. Managing this in Tower Hamlets, given demanding Government completion timescales and a national recruitment problem, was more difficult due to volume far above average. A raft of initiatives were in place to sharpen focus at the “front door into care”, streamline the associated work, monitor performance; and performance had improved on the previous year. A detailed briefing note would be circulated to members of the Committee.
- Placement stability – Currently off target on a rolling year. A volatile indicator but the target should be met by keeping moves to a minimum in Quarter 3.

Challenges

- High levels of child poverty remained a major issue despite a good strategy and Beacon status.
- Rapidly growing population of young people: Population predictions indicated another 5000 under fives and another 14,000 five to eighteen year-olds in the borough by 2021.
- Changing patterns of immigration was likely to mean more different ethnic groups in the borough, creating new demands.

- Increased budgetary constraints would form the context in which increasing demand would need to be met.

Opportunities

- Supporting families and parents
- Building Schools for the Future
- Raising educational leaving age to 18
- 2012 Olympics and Paralympics

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which Councillor Asad and Ms Isobel Cattermole, Acting Corporate Director Children Schools and Families, responded. The question and answer session was centred on the following points:

- Concern expressed that the presentation had not referred to the potential for improving GCSE results as a result of providing community language tuition. The Lead Member responded that the recommendation of Lord x that 2 modern languages be taught at primary level from 2011 onwards, and the associated community campaign had led to a review of the Council's language policy, with the outcome to be reported to Members shortly. Ms Cattermole reported that GSCE results for languages were good and early achievement in Bengali contributed to this.
- Consideration that many of the outlined measures to improve educational attainment appeared to target those young people not achieving. Consequently clarification was sought and given regarding measures in place to support gifted and talented children, and thereby raise the confidence of these young people and their parents in the Council's educational provision, obviating any need to look elsewhere. Requested that members of the Committee be provided with further detail.
- The measures being taken to improve educational achievement by young white people of the borough, in the interests of community cohesion, following a review of the issues and reporting of concerns/ actions to January Cabinet. Also given consideration that the absence of a white candidate for Young Mayor would not support this agenda, clarification given regarding the steps taken to ensure this election process was open to all.
- In the context that 7 out of 8 strategic indicators relating to education had been reported as on red at the end of quarter 2, concern expressed at the apparent disparity between actual performance and that considered to be appropriate (as articulated in the targets set); particularly with regard to the direction of travel for A level attainment in Tower Hamlets, which contrasted with a national trend of improvement. If targets were unrealistic, were management steps being taken to address this. Steps being taken to ensure the general quality of educational provision at A level and specifically to address underperformance at Tower Hamlets College were outlined in response.

- Referencing a report that approximately 60 children of primary school age had been unable to find places for over a year, clarification was sought and given as to the reason for this (primarily it related to an offer of a place which was not a first or second choice). What was being done to ensure a sufficient number of places in future, given the challenges of population growth to 2021 and immigration patterns referred to by the Lead Member.
- Whether the Building Schools for the Future Programme was on track to deliver on budget and on time.
- Whether the authority was supportive of the plans, set out in a recent letter to Members, for a sixth form at Phoenix School.
- What steps were being taken to promote the take up of modern languages at secondary school, particularly Mandarin, Spanish and Portuguese, given the importance of these skills in the labour market. Details of such provision to be given to Councillor Heslop.
- Recent Member casework highlighting bullying of a Somali child by children of other ethnic backgrounds and exclusion of the victim as the only way to guarantee their safety. In this context clarification sought and given as to whether an Equality Impact Assessment had been undertaken (details to be forwarded to Councillor Heslop). Policy on bullying in schools outlined and Corporate Director to look into the particular case. Also noted that a scrutiny challenge session on school bullying would take place shortly.
- Whether there was any initiative to identify and publicise role models for children on the autistic spectrum.
- The concern emerging from the ongoing scrutiny review into youth offending, regarding the ability of such young people to read and write when leaving school particularly a significant proportion with dyslexia and the reasons why this was not identified and addressed at an early point.
- Requested that members of the Committee be provided with further analysis of performance against target for NEETs “16 to 18 year olds who are not in education, employment or training” (National Indicator 117): number pertaining to percentage, analysis by LAP area and overall reduction.
- Requested that members of the Committee be provided with further details of the increased number of 13-19 year olds accessing youth work services in the borough, referred to by the Lead Member in his presentation. It was understood that performance had been lagging in this area and quantitative evidence would provide comfort regarding progress.
- Consideration that progress against target for at least 30% of pupils achieving 5 or more A-C grades at GCSE including English and Maths appeared to be increasingly hard won. In this context how did Tower Hamlets compare against neighbouring boroughs such as Newham and Hackney, how had the best performance elsewhere been achieved, and what further work was needed in Tower Hamlets to match this.

- Referencing a report in the East London Advertiser that a number of students from Tower Hamlets had not been offered a place at a secondary school in the borough, and had remained out of school, but that students from neighbouring boroughs had received such offers, clarification sought and given as to reasons for this and whether future transition arrangements for local children would address this. Assurance given that there were sufficient secondary places for local children and although 89% were offered a place in the school of 1st, 2nd or 3rd choice it would never be possible to offer all their 1st choice as those schools simply did not have the capacity.
- Comment that some primary schools did not meet the access requirements of the Disability Discrimination Act (DDA) and consideration that it was important to ensure that children with disabilities could access their local school at the starting point of their education.
- A member of the Committee requested that in future Powerpoint presentations for the Spotlight be distributed to members of the Overview and Scrutiny Committee two days in advance to enable more informed scrutiny and questions.

Adjournment

At this juncture the Chair **Moved** and it was **Resolved** that the Committee adjourn for a period of 5 minutes, the time being 9.15pm, for a comfort break and that the meeting reconvene at 9.20pm.

The meeting adjourned at 9.15pm

The meeting reconvened at 9.20pm

8. PERFORMANCE MONITORING

8.1 Performance Monitoring Update - Housing

Councillor Marc Francis, Lead Member Housing and Development, gave a presentation, which responded to concerns expressed by the Committee at their previous meeting, 1st December 2009, in relation to under performance against indicators relating to housing at the end of quarter 2 (September 2009). The presentation focused on the following points:

- Acknowledging the legitimacy of concerns expressed by the Committee regarding performance reported to the end of September 2009, clarification given as to the Strategic Indicators and related performance for which the Lead Member was/ was not directly responsible.
- A summary of progress in performance against targets:
 - Strategic 207 Net additional homes provided: the Lead Member considered the target, set by the current Mayor of London and Government Office for London, was not of direct local relevance but would be achieved through delivery of affordable homes.

However 3000 new homes had been built in 2008/9; and significant progress was expected in 2009/10 Quarter 3 performance, with approximately 2000 homes additional to the 350 already built, primarily in the Isle of Dogs.

- Strategic 208 Number of affordable homes delivered: by the end of Quarter 2 476 units had been completed and a further 377 in Quarter 3, approx 850 in total, with 2/3 of these being social for rent. Schemes delivering a further 500 social for rent units were expected to complete in Quarter 3 with a further 400 being of intermediate nature. Therefore it was expected that year end performance would meet the target (1688).
- Strategic 223 Number of social rented housing completions for family housing: The 2009/10 target was 467 units and at the half year point 175 had been completed. Quarter 3 would see a further 140 more and 225 of these were family size units. With regard to year end target the Administration had not been satisfied with the level of ambition and had consequently invested an additional £20 million to accelerate delivery of such homes, with a focus on buying back home bought under the Right to Buy and 70 buy backs would be achieved by financial year end.
- Strategic 224 Percentage of residents satisfied with outcome to ASB: Priority 2 cases were dealt with by Tower Hamlets Homes (THH) and performance had improved, with satisfaction ratings currently 68%, and expected to improve further. Performance on Priority 1 cases dealt with by the Community Safety Team continued to lag but a satisfaction rating of 66% had now been achieved.
- Strategic 225 Average time to re-let property: Performance continued to be marginally below the target of 28 days primarily relating to voids resulting from regeneration schemes. However performance compared well with other ALMO's and London authorities.
- Strategic 226 Total service charge debt outstanding at year end: performance had been slow at start of financial year but had improved with £6.28 million collected year to date. It remained expected that the year end target, of no more than £15 million outstanding, would be met. THH had a good record of pursuing historic debt and would achieve well in meeting the target relating to major works recharges.
- Strategic 227 Rent collected as percentage of rent due: the target of 101% clearly included rent arrears, and at the half year point performance was just short of target but was currently 99.99%. The target was exceptionally stretching but performance was expected to be close to 100% at year end.

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which Councillor Francis responded, supported on points of detail by Mr Jamie Carswell, Director of Strategy and Performance - Tower Hamlets Homes and Mr John Coker, Strategic Housing Manager –

Development and Renewal Directorate. The question and answer session was centred on the following points:

- Clarification was sought and given regarding the projected overspend in the Housing Revenue Account (HRA) and repairs and maintenance (R&M) in particular. The projected HRA overspend reported at end of quarter 2 was now projected to be £2.6 million, and would be so reported to the January Cabinet; much of this was due to the impact of reduced interest rates. The figure relating to R&M was approx £1 million and although catching up with repairs was welcome, it was acknowledged that this must be contained within budget. The THH strategy for control of R&M expenditure and management of resident expectations was outlined by Mr Carswell.
- The understanding that many residents were dissatisfied with the quality of repairs carried out by THH contractors, consideration that the poor quality of initial repairs was contributing to overall numbers and cost of repairs and whether contractual arrangements could be improved to address this.
- The extent to which any Lead Member could influence performance against Strategic Indicator 223 “The number of social rented housing completions for family housing” and the current Lead Member’s satisfaction with performance to date. The Administration’s continued commitment to the 50% target for affordable housing was stated. Also initiatives to lever in social housing grant from the HCA to support developers, struggling in the market downturn to complete schemes intended to deliver social housing were outlined.
- Whether a performance indicator to measure progress in mitigating overcrowding (currently understood to be approx 16,000 households) and reducing the number of families on the housing waiting list (currently thought to total 23,000) was appropriate.
- Whether continuing high levels of overcrowding in Tower Hamlets could be sufficiently mitigated through the long running Right to Buy and Cash Incentive Schemes or (CIS) or more resources/ advertising/ other measures were needed. The merits of the CIS, additional resources identified for this, and current advertising strategy were outlined. Requested that the exact figures for homes freed up for use by the CIS, the amount available for each room given up and the maximum available for a tenancy to be provided to members of the Committee.

8.2 Diversity and Equality Action Plan 2009/2010 - Six Monthly Monitoring Report

Councillor Joshua Peck, Deputy Leader of the Council, in introducing the report at the request of the Chair articulated what he considered to be the incredible success story of Tower Hamlets leadership leading to performance and achievement across all equality strands, that comprised the progress reported in relation to the Diversity and Equality Action Plan and Disability Equality Scheme. However homophobic hate crime was highlighted as an area where further work was required to address poor resident perception.

A discussion followed which was centred on the following points:

- Whether there was a preponderance of policies directed at improving outcomes for young people rather than older people and, the importance of continued awareness of age discrimination/ associated legal requirements; and specifically the importance of ensuring opportunities for older people at the top end of their career in the context of the direction of Government policy.
- Consideration that the DEAP indicated that a lot of work was being undertaken but some of this appeared incongruent with stated objectives.
- Acknowledging that achievements in this area were fantastic, both individually and holistically, clarification was sought and given as to Corporate understanding of associated costs, and the need to achieve value for money for the local taxpayer.
- Whether some of the objectives/ targets set out in the DEAP lacked clarity and consequently outcomes could not be properly measured, leading to a lack of confidence in the adequacy of the actions being put in place.
- Concerns expressed that the implementation of “Councillor Call for Action” was flagged as amber, given that it was a statutory requirement being placed on local authorities.
- Whether the DEAP contained sufficient performance indicators relating to gender inequality.
- Concerns expressed regarding slow progress towards establishment of the Pan Disability Forum and the implications for an already marginalised element of the community in terms of being heard. But also importance of ensuring operational effectiveness and resident led without being driven by unrepresentative elements.
- Dissatisfaction expressed with progress on investigation of the effectiveness of responses to disable people’s complaints about services, with particular reference to final 2 sentences on page 82 of agenda). Lead Member to examine this issue.
- Merits of rolling out the Swanlea School Disability Day. Lead Member to examine this issue.

The Chair **Moved** and it was: -

Resolved

That the progress in implementing the Council’s Diversity Action Plan 2009/10 and the Disability Equality Scheme, as set out in Appendices 1 and 2 to the report respectively, be noted.

Motion and Resolution to Extend the Proceedings

Prior to the completion of the discussion of the above item by the Committee, being 10.09pm, the Chair, **Moved** a motion, to extend the proceedings for a further 30 minutes to allow the Committee to transact all remaining business

detailed on the agenda, for the consideration of members of the Committee; and it was:-

Resolved

That pursuant to the Authority's Constitution, Part 4 Rules of Procedure, Section 4.1 Council Procedure Rules, Rule 9, that the meeting be extended for a period of up to 30 minutes.

9. SCRUTINY MANAGEMENT

9.1 Scrutiny Challenge Session - English for Speakers of Other Languages (ESOL)

The Chair briefly introduced the report.

Councillor Tim Archer considered the Committee should satisfy itself, at a future point, that issues identified at the scrutiny challenge session, and captured in its recommendations, had been addressed. He added that Working Neighbourhood Fund funding and subsequently other funding identified by Cabinet for ESOL provision had been "one offs" and the Committee should also satisfy itself that further resources had been identified to maintain provision. He emphasised that any reduction of provision would have a detrimental impact on community cohesion and particularly exacerbate the isolation of Bengali women. Accordingly, Councillor Archer proposed an additional recommendation to those set out in the report, for the consideration of members of the Committee, as follows:

"That the Overview and Scrutiny Committee examine the issues relating to ESOL provision in January 2011 with a view to satisfying itself that funding and other issues identified in the scrutiny challenge session had been addressed."

The Chair, **Moved**, the recommendations contained in the report (taking account of the amendment from Councillor Archer); and it was:-

Resolved

1. That the outcome of the ESOL scrutiny challenge session be noted.
2. That the recommendations set out in Section 9 of the report be endorsed, subject to the addition of the recommendation set out above.

10. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET AGENDA

The Chair informed members of the Overview and Scrutiny Committee that no pre-decision questions/ comments in respect of the unrestricted business contained in the agenda for consideration by the Cabinet, at their meeting to

be held on 13th January 2009, had been submitted for consideration and agreement.

Councillor Jones, in referring to Agenda item 7.1 "Update on Consultation on Proposals for a National Challenge Trust at St Paul's Way Community School" on the agenda for consideration by the Cabinet on 13th January, and an addendum to the original report only circulated to members of the Overview and Scrutiny Committee on the evening of 12th January, expressed the following concerns:

- The addendum report recommended approval of proposals for a National Challenge Trust at St Paul's Way Community School but also that the Corporate Director be authorised to appoint the Council's director/ trustee, after consulting the Lead Member; and this was unprecedented. Normally appointments of the authority's representatives to outside bodies was a matter reserved to full Council or the General Purposes Committee between Council meetings. Councillor Eaton concurred that this was a new approach and inappropriate in terms of governance procedures.
- The original report indicated that if the Trust was dissolved, publicly funded land would revert either to the school or the local authority and this lacked clarity.
- The addendum report recommended approval of leasehold transfer of land to the St Paul's Way School Foundation Trust but did not specify the duration of the lease and should do so.

Councillor Jones accordingly proposed, for the consideration of members of the Overview and Scrutiny Committee, that pre-decision scrutiny questions in relation to these matters be submitted to Cabinet.

The Chair **Moved** (taking account of the motion from Councillor Jones), and it was:-

Resolved:-

That the following pre-decision questions be submitted to Cabinet for consideration:

Agenda Item 7.1 Update on Consultation on Proposals for a National Challenge Trust at St Paul's Way Community School (CAB 097/090)

- 1 With reference to paragraph 7.4 of the addendum report can the Cabinet clarify why the appointment of the Council representative is being delegated to the Corporate Director as this is usually undertaken by Full Council or the General Purpose Committee?
- 2 With regard to paragraph 5.5 of the original report can we ensure that if the Trust's role ends then the land reverts back to the local authority?
- 3 Would the Cabinet specify the length of the lease and ensure this is agreed as part of recommendation 7.1 of the addendum report?

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. EXCLUSION OF THE PRESS AND PUBLIC

The agenda circulated contained no Section Two business (business containing information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972. There was therefore no requirement to exclude the press and public, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, to allow for consideration of such business prior to the conclusion of the meeting.

SUMMARY OF EXEMPT/ CONFIDENTIAL BUSINESS

13. EXEMPT/ CONFIDENTIAL MINUTES

Nil items.

14. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items.

15. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL CABINET AGENDA

Nil items.

16. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT

Nil items.

The meeting ended at 10.25 p.m.

Chair, Councillor Sirajul Islam
Overview & Scrutiny Committee