

CORPORATE AND EXTERNAL ISSUES AND CHILDREN'S AND ADULT SERVICES SCRUTINY COMMITTEES

JOINT MEETING, 18TH OCTOBER, 2012

Present – Councillors Spencer (Chairman), Cox (Vice-Chairman), Allen, Ayub, L. Byrne, A. Connell, Cunliffe, Darvesh, Dean (as deputy for Councillor Ashcroft), Donaghy (as deputy for Councillor Jones), Evans, Fairclough, Francis, Greenhalgh, Hall, S. Harkin (as deputy for Councillor A. Ibrahim), Haslam (as deputy for Councillor Mrs Fairclough), Hayes, Irving (as deputy for Councillor Gillies), Iqbal, Kay, Mistry, J. Walsh, Watters and Wild (as deputy for Councillor Wilkinson).

Lay and Co-opted Members

Mr. G. Evans - Age Concern

Also in Attendance

Councillor Morris	-	Executive Cabinet Member – Leader
Councillor Peel	-	Executive Cabinet Member – Environmental Services
Councillor Adia	-	Cabinet Member for Human Resources and Cohesion
Councillor M. Connell	-	Cabinet Member for Adult Services
Mr S. Harriss	-	Chief Executive
Mr S. Arnfield	-	Deputy Chief Executive
Mrs M. Asquith	-	Interim Director of Children's and Adults Services
Ms H. Gorman	-	Borough Solicitor

Mrs S. Bailey - Principal Democratic Services Officer

Apologies for absence were submitted on behalf of Councillors Ashcroft, Clare, Mrs Fairclough, Gillies, A. Ibrahim, Jones, Mrs Swarbrick, Mrs Thomas and Wilkinson and from Mr J. Firth (Bolton Links)

Councillor Spencer in the Chair

1. EXTRACT FROM CABINET – 15TH OCTOBER, 2012

The Committee received an extract from the minutes of the meeting of the Cabinet held on 15th October, 2012 which was relevant to the remit of this Committee.

Resolved – That the extract be noted.

2. ADULT SOCIAL CARE INDEPENDENT REVIEW

Further to Minute 38 of the meeting of the Cabinet held on 15th October, 2012, the Chief Executive submitted a report which outlined the following issues in relation to the independent review into 'House H' in Adult Social Care:-

- the outcome of the independent review into the circumstances of 'House H' one of the Council's 'Learning Disability' network houses which culminated in two Council employees being given custodial sentences for neglect of service users;
- the detailed findings of the review and the subsequent actions taken by the organisation to address these issues;
- the formal endorsement of the Action Plan that had been developed to address the issues and lessons learned, as detailed at Appendix 2; and

- to agree the reporting and monitoring mechanisms to receive updates on the progress, achievements and outcomes of the agreed Action Plan.

The Committee was informed that the Council had appointed Mr. Steve Jones, a highly experienced and knowledgeable former Chief Executive of Wigan and Blackburn Councils to undertake the review. Mr. Jones had a strong and extensive track record in Adult Social Care and Health and was currently the Chair of an NHS Mental Health Trust.

The purpose of the review was to examine three key questions:

1. How did this matter occur at 'House H'?
2. What progress had been made in implementing the actions identified in the 2010 Paradigm Report?
3. Were there wider lessons to be learned and improvements made as a result of this case across the wider network?

The full report detailing the nature of the review and the outcomes was attached at Appendix 1.

The Chief Executive recommended that the report and its recommendations should be accepted in full by the Council. The Appendix attached to the report was the start of the detailed action planning designed to address the issues and challenges raised.

In response to the findings of the review and consideration of the best way forward, the Chief Executive drew attention to a number of key actions that provided important context to the report and action plan:

- A meeting had taken place with the parents of each of the service users and a full explanation of the outcome of the review was given. This meeting included a full apology for the Council's inadequacies ;

- A meeting took place with the 'whistle-blowers' and this included placing on record the organisation's appreciation and thanks for their efforts in seeking to raise their concerns, their efforts in Court and an apology for the insufficient organisational support provided to them throughout their experience;
- New strategic leadership for the Department and Service with the appointment of Margaret Asquith (the Director of Children's Services) as Interim Director of Children's and Adult Services;
- An Interim Assistant Director of Provider Services being put in place for a minimum of six months to lead the operational 'turn around' of the service; and
- Detailed performance improvement plans being put in place to ensure the service and managers within achieved the appropriate level of achievement and delivery.

Given the independent review and its many recommendations about improving the structures, systems and processes going forward, it was felt important that the two issues were brought together into a fundamentally redesigned service. It was therefore proposed to delay the development of specific budget proposals until this was undertaken.

Consequently, it was recommended to go forward on the following phased basis:

- **Phase 1 – present day to January/February** – ensuring systems, processes, structures, culture and management changes were made to the current service to ensure it is fit for purpose.
- **Phase 2 – December to March/April** – development of a detailed vision for the service going forward both to ensure it was designed to meet a 21st Century environment and to make a contribution to the Council's savings targets for Adult Social Care.

The report also recommended that a report be submitted to the Executive Cabinet Member - Deputy Leader on a monthly basis for at least a six month period to monitor the delivery of the agreed Action Plan.

The report further advised that there had been on-going dialogue with the Trades Unions about the service and the Independent Review and detailed discussions about the report's findings had taken place. The Chief Executive reported that the Trade Unions had welcomed the underlying principles of the report and would work with management in terms of their implementation. The Trade Unions did not however agree with some of the views expressed in the Independent Review about specific issues and felt that the primary responsibility for historic industrial relations difficulties in the area of Adult Social Care lay with Departmental management.

Following consideration of the report, members discussed at length the review, the findings, the proposed way forward and the measures that had already been put in place to address the issues, as described by the Chief Executive.

The main points arising from the discussion were summarised as follows:

- there was a general consensus that the Council and the vast majority of its staff wanted to provide the best service for its users;
- processes and procedures had not been in place to address the failings but were now being implemented to ensure that the circumstances should not happen again;
- the findings of the Paradigm review should have been acted upon earlier;
- the Council must now try to restore confidence to the general public and the measures already put in place to address the issues, as described by the Chief Executive and the Interim Director of Children's and Adult Services, would help to begin this process;
- robust reporting mechanisms and regular briefings to the Cabinet, Executive Members and all members on how the

Action Plan was progressing were essential and the Chief Executive be requested to provide clear details of how this would be achieved;

- the Council's Whistleblowing Policy needed to be refreshed to address the areas where it had failed; and
- members were appreciative of the open and transparent way in which the Cabinet and Chief Executive had dealt with the review.

Resolved – (i) That the monitoring and review arrangements outlined in Section 5 of the report be noted, together with the intention to submit a report to the Cabinet every three months to monitor progress;

(ii) That an approach for informing members of the outcome of the review and the future monitoring of the action plan be agreed by the Chief Executive with the three Group Leaders;

(iii) That this Committee places on record it's thanks to all those involved in the review, especially the families of the service users and the whistle-blowers.

At this juncture, members requested information about a number of staffing issues relating to the review and agreed to exclude the press and public from the meeting under Paragraph 1 (details relating to individuals) of Part One of Schedule 12A to the Local Government Act 1972.

3. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 1 (details regarding individuals and staff) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the

case, the public interest in its exemption outweighs the public interest in its disclosure.

4. ADULT SOCIAL CARE INDEPENDENT REVIEW – STAFFING ISSUES

Further to Minute 3 above, the Chief Executive responded to members' questions in relation to staffing issues that had arisen as part of the review.

Particular reference was made to the management arrangements and disciplinary action taken at a senior level and the revision of roles and responsibilities to reflect this.

Resolved – That the update be noted.

(The meeting started at 6.15pm and finished at 8.15pm)