

Minutes of a meeting of the Children's Services Overview and Scrutiny Committee held on Wednesday, 13 July 2022 in Committee Room 1 - City Hall, Bradford

Commenced 4.30 pm
Concluded 6.25 pm

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	BRADFORD INDEPENDENT GROUP
Alipoor Berry Shafiq Thirkill	Winnard Pollard	J Sunderland	Sajawal

VOTING CO-OPTED MEMBERS:

Joyce Simpson
Fauzia Raza

Church Representative (CE)
Parent

NON VOTING CO-OPTED MEMBERS

Dr Samina Karim

Children's Social Care Representative

Observers:

Apologies: Councillor Julie Humphreys and Tom Bright

Councillor Winnard in the Chair

9. DISCLOSURES OF INTEREST

No declarations were received for matters under consideration.

10. INSPECTION OF REPORTS AND BACKGROUND PAPERS

No requests were received to inspect any restricted documents.

11. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

There were no referrals to the Committee.

12. ESTABLISHING THE CHILDREN'S TRUST

The report of the Director of Finance and IT (**Document "C"**) was submitted to the Committee to provide Members with details of the progress made towards establishing the Children's Trust and outlined the key issues and progress to date. The report had previously been submitted to the Executive Committee in June 2022.

Following the Commissioner's report in January 2022, operational control of some of the Council's Children's Services were to be removed to an alternative delivery model to support improvements in the services and outcomes. To this end, the Council had agreed to establish a Local Authority controlled Children's Trust and discharge its Social Care functions under a service agreement.

A statutory direction was issued by the Secretary of State that required the Council to establish the trust under the supervision of the Commissioner and Department for Education (DfE). These measures had come about as a result of an inadequate rating for the delivery of the Council's responsibilities to children since 2018. The capacity and capability of the Council to rapidly improve services sufficiently was reviewed by the duly appointed Children's Commissioner and following the report published by the Commissioner and the recommendations therein, the Secretary of State determined that a new model of service delivery was required. The Council accepted the decision and agreed to support the formation of the Children's Trust to make the necessary improvements and deliver excellent social work effectively and sustainably.

The Director of Finance and IT stated that the report contained the risks, key issues and challenges and that the timescale was shorter than that involving other local authorities. The Council would still remain the statutory accountable body for Children's Social Care with the Trust being operationally responsible.

The Council would need to set specific standards and agree how services and functions would continue. The Trust would take ownership of the improvement journey with the Council taking the necessary steps to enable them to do it.

The services and budgets were a complicated part of the process but traded services would be bought for up to the first 12 months to allow the Trust to focus on service delivery.

The Trust needed to be operationally independent with the likelihood of engaging their own Directors and teams for HR, Finance and other services (these could be existing employees who TUPE across).

The final offering from the Trust was still to be negotiated but engagement with staff and partners was already underway. A Chair of the Trust had already been appointed along with a number of interim posts.

It was confirmed that all interim postholders were external to the Council but joint discussions between the Trust, DfE and LA were taking place on a weekly basis. Should there be an impasse, the SoS could issue a statutory direction if

agreement could not be reached.

A company called PWC had been engaged for Bradford and had been so for other trusts, A Member asked about what the key learning points were from their experiences and was advised that there was a commonality around the scope of the types of services and knowledge that had been gained as a result of negotiations with other LA's.

A member asked how many staff would transfer over to the Trust, whether there was engagement taking place with the unions as well as where would the transferees work. The Officer presenting advised that it could be around 1500 people but negotiations were not yet underway. Workstreams to address IT, property etc had been set up and the Trust would want its own identified building but it was anticipated that they could be situated in a council owned building.

A Member commented that there was a need to measure the impact of scrutiny and was advised that it would need defining in the policy framework and stated that the Trust would be expected to attend Scrutiny meetings. Clarification of what Members would be permitted to ask and the particulars in the contract would need to be shared.

Members asked who the Trust would be accountable to, the cost and how their performance regime would be managed. The Officer presenting stated that the Trust would have its own procedures (financial) but that the LA would want to ensure these were appropriate (as the statutory body) and may wish to carry out internal audits. The question of VAT liability was also raised, to which the Officer replied that the Trust would start as a company limited by guarantee and would then potentially become a CIC which would have neutral VAT implications on the Council. However, advice was being sought from a VAT professional. A budget could not be set before the SoS deemed the Trust to be a company limited by guarantee.

A Member stated that it was unlikely for external residential placements to reduce before the first budget and was advised that the budget had to be sustainable for the Trust and the Council. It was anticipated that following a difficult first year that as services improved the associated budgets would improve also.

A Member asked whether there would be any Member oversight for the Trust's budget and that it should coincide with the Council's Annual Budget. There was a concern raised that the Trust could ask for funding and the Council would be obliged to provide it regardless of the amount and ability to pay.

The Director of Finance and IT went on to say that some of the budget issues were the same whether services transferred to the Trust or remained with the Council and that performance and costs would be difficult negotiations and would likely result in mitigation being needed to ensure overall financial viability.

Members asked why a Trust was being formed as this was not the recommendation from the Commissioner, wanting the solution to be a Bradford solution.

There were a number of questions relating to the relationship between Children's

Services, the Lead Member and Ofsted and how it would work as well as whether it was the right solution, who had decided on this and how confident of success they were. Also, whether or not SEND would be included in the service transferred over. The Director stated that the decision was based on direction from SoS and SEND was not on the list of services to be transferred over.

Members also wanted to know how the MoU had been agreed, would the interim agreement be completed by 1 August, and how could the transition be made without causing harm or upset to service users. The Director stated that the wording of the MoU was satisfactory and the Council would be involved in recruitment to Trust roles. The interim agreement would be ready for 1 August but he needed to defer the response regarding service users to the Director of Children's Services.

Members also asked about other authorities where similar arrangements had been introduced, where were they, had the aims been achieved, how long did it take, was it sustainable and what was the innovation in achieving it. Unfortunately, there were no representatives from PWC present at the meeting so the Director pledged to bring the responses back to a future meeting of this Committee.

A Member raised the issue around the lack of trust between Members and Officers relating to the inaccuracy of information and asked how it could be ensured that the Trust would be better and restore the trust between them. The Director responds that the Council would specify their expectations contractually and hoped that the Trust would want to attend meetings and provide reports.

The question of service compromises being made if funding was not made available to the Trust was raised. The Director responded that based on forecast spending, a bigger budget would be needed initially to support the improvement journey, even if the services were staying within the Council.

A Member asked how the Trust would improve services for children – what was their track record, good practices and the model they would work to. Would they also be inadequate as the same people would be doing the jobs, how would it change? The Director responded stating that specifics in the agreement would be needed.

In relation to caseloads and staff retention and the efforts made to recruit, did the Trust bring a different model e.g. working with colleges, universities and newly qualified people to which the Director responded that there was possibly a stigma around Bradford Social Care. The Trust would have no such reputation.

A question relating to pay and conditions was raised as Senior Executives would be in post first. Would they be recruited into the Council and then transferred over, what was the recruitment market like that the Council were in, would there be competition with the Director of Children's Services posts and what would the pay policy be? The Director responded that the candidate pool was competitive but Bradford was not entirely out of alignment as salaries aligned with others. The decision about the salary of the Chief Executive of the Trust would be made by SoS, DfE and HR Director.

A Member asked if there was anyone who would be linked to or involved with Universities and was advised that the Chair of the Trust had a dual role with Bradford University so there was now a link.

Were PWC involved in version 1 of the Sunderland transfer as it had not gone well, Kirklees now had no agency Social Workers, what was Steve Walker's secret to success, and what progress had been made regarding funding for set up costs (as per paragraph 3.9 in the report provided? In response the Director advised he would check to ascertain what involvement, if any, PWC had in the Sunderland situation, he further stated that Kirklees was working with one of Steve Walker's team and that estimates for set up had been shared with DfE. There would be further discussions regarding set up costs.

It was assumed that the Chief Executive and the Leader could not be on the Board and where would loyalties lie if Councillors became employees, would there be a conflict of interest. In addition, the role of Corporate Parent was not mentioned. In addition, the following was also asked: the development of metrics, where did it take place, where would the re-negotiation of metrics take place, what was missed out when the policy was developed, where do people get a voice.

The Director responded that the Board would have to be validated but there was no desire to mandate everything. Again, the Director deferred to the Director of Children's Services for further clarity noting the requirement for a HR framework for appraisal, disciplinary processes and dismissal of Social Workers.

Further comments included the need to provide a voice to children and families and how would working feel different with the Trust. Staff needed a voice and opportunity to have an input, an empowered team. Members stated that they would like to hear from other Councillors who have gone through this process and questions still needed to be put to the key people who could provide the answers. It would be most helpful if PWC attended a meeting.

The Director also informed Members that a bi-weekly meeting took place to provide updates on progress. Members had some additional questions and comments around the timeframe wanting to see progress and details of the TUPE arrangements. The desired outcome being a stable workforce and a reduction in agency workers. Members again asked if external personnel would be committed to attending future scrutiny committee meetings to answer Member questions. The Director advised that it could be set out as part of the contract that performance management of the Trust was reported back. Members also requested the opportunity to see the contract to comment and to have details of what services were being transferred over. Members commented that they were disappointed that there were no representatives from PWC who could have answered some of their questions, but also appreciated the attendance of the Director of Finance and IT and the information he had been able to share.

Resolved –

- (1) Members of the Committee were disappointed in relation to the representatives of PWC not in attendance at the meeting.

- (2) This Committee requests that a further progress report be presented to the Committee in September 2022.
- (3) That the Contract between the Council and Children's Trust be presented to this Committee, prior to it being finalised.
- (4) The Committee requests that the most appropriate representatives from Bradford Council and PWC attend the meeting in September 2022, along with the Children's Services Commissioner and Associate Commissioner.

ACTION: Strategic Director, Corporate Resources

13. CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE - WORK PROGRAMME 2022/23

The report of the Chair of the Children's Services Overview and Scrutiny Committee (**Document "D"**) was submitted to Members for comment and review of the 2022/23 Work Programme. There was a brief discussion in relation to the SEND Inspection report being submitted at the September meeting and the possibility of another meeting to discuss the Children's Trust as Members had numerous questions to raise and wanted more information.

Resolved –

That Members discussed and amended the work programme.

ACTION: Overview & Scrutiny Lead

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Children's Services Overview and Scrutiny Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER