

**OVERVIEW AND SCRUTINY
 MANAGEMENT BOARD
 19 DECEMBER 2019**

PRESENT: COUNCILLOR R B PARKER (CHAIRMAN)

Councillors R Wootten (Vice-Chairman), B Adams, Mrs J Brockway, C S Macey, C E H Marfleet, A P Maughan, Mrs A M Newton, C R Oxby, A N Stokes and E W Strengiel

Councillors: R D Butroid (Executive Support Councillor Community Safety and People Management), M A Whittington (Executive Support Councillor Resources and Communications) and B Young (Executive Councillor Community Safety and People Management) attended the meeting as observers

Officers in attendance:-

Debbie Barnes OBE (Head of Paid Service), David Coleman (Chief Legal Officer), James Drury (Executive Director Commercial), Tracy Johnson (Senior Scrutiny Officer), Lucy Shevill (Strategic People Management Advisor), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Emily Wilcox (Democratic Services Officer), Kevin Hales (Operations Director (Serco)), Arnd Hobohm (Serco Contract Manager), John Wickens (Assistant Director, IMT) and Donna Fryer (Head of Portfolio and Resources – IMT)

70 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor Mrs W Bowkett, Councillor R J Kendrick, Councillor N H Pepper, Mr S C Rudman (Church Representative), Mrs P J Barnett (Parent Governor Representative) and Miss A E I Sayer (Parent Governor Representative).

It was reported that, under Regulation 13 of the Local Government (Committee and Political Groups) Regulations 1990, Councillor A P Maughan had been appointed as a replacement for Councillor R J Kendrick; C R Oxby had been appointed as a replacement for Councillor Mrs W Bowkett and Councillor A N Stokes had been appointed as a replacement for Councillor N H Pepper, for this meeting only.

Members were informed that Councillor Mrs A M Newton would replace Councillor Mrs K Cook on the Board until further notice.

71 DECLARATIONS OF INTEREST

There were no declarations of interest.

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RESOLVED:

That minutes of the meeting held on 28 November 2019 be approved as a correct record and signed by the Chairman.

73 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR FOR RESOURCES AND COMMUNICATIONS AND CHIEF OFFICERS

The Chairman announced that he had attended the meeting of the Executive on 17 December 2019 where he had presented the Board's comments on the Business World ERP System Re-design and Council Business Plan 2019-2020 Performance Report – Quarter 2.

74 CONSIDERATION OF CALL-INS

None were received.

75 CONSIDERATION OF COUNCILLOR CALLS FOR ACTION

None were received.

76 LEGAL SERVICES LINCOLNSHIRE

Consideration was given to a report by the Chief Legal Officer, which invited the Board to consider a report on Legal Services Lincolnshire which was due to be presented to the Executive on 7 January 2020.

Following feedback received from the Board and the Executive in May 2019, the report proposed that three Directors be appointed to the company. It was proposed that the directors be the Chief Legal Officer, who would also act as the Compliance Officer for Legal protection; the Executive Director - Resources, who would also act as the Officer for Finance and Administration and the Executive Director – Commercial.

Members were also referred to Appendix B to the Executive Report, which detailed the Shareholders agreement which regulated the relationship between the Council as sole owner and the company itself. The Shareholder Agreement maintained that the business of the company would be to continue business as a legal services provider to the wider public sector. Members were advised that any change to the definition of the business of the company was a reserved matter under the Shareholders Agreement and therefore could not happen without the consent of the County Council as the owner of the company. It was proposed that the Executive Councillor for Community Safety and People Management be appointed as the representative to act in the name of the Council for all purposes connected with the company.

The report suggested that the new company report progress to the Board on an annual basis, as well as interacting with the Council in various other ways.

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Following an assessment, it was proposed that a cash flow facility of £30,000 would be sufficient to support the company in its early stages.

Members were invited to ask questions, in which the following points were noted:

- The proposed new company would be able to provide services to other public sector organisations in addition to the current district council partners.
- The articles of association stated a minimum of two directors to provide flexibility within the constitution for the shareholders to decide on the actual number of directors. The Shareholders Agreement made it clear that that would be three.
- There would be no change to how Lincolnshire County Council obtained its legal services, and the team would remain employees of Lincolnshire County Council.
- There was a protocol that the company would operate under if a conflict of interest ever occurred. The company would operate under the same rules as any other solicitor's practice regarding conflicts of interests. If there was a shared aim between the clients, then the company could potentially represent both of them. However, if there was a contentious issue which the clients could not agree on, the company would be unable to act and each client would be required to obtain their own solicitor.
- The company would provide indemnity to an officer if any liability or costs arose from proceedings where the officer was acquitted or was successful.
- References to 'the Council' referred to Lincolnshire County Council as a shareholder. As it was an Executive function, the Executive Councillor for Community Safety and People Management would be exercising his delegated authority in taking decisions on behalf of the Council.
- There was a potential opportunity to make an income from the company. However, this would be subject to capacity within the team to take on extra work on top of the work they currently provide for Lincolnshire County Council and district council partners.
- There was a need for more regular monitoring of the company, especially during the initial set up phase and if any issue arose.

Following a request from the Board, the Chief Legal officer agreed that a report would be brought back to the Overview and Scrutiny Management Board in six months' time to report on the company's establishment, followed by the proposed annual reports as set out in the Shareholder's Agreement. This was in addition to the Board's power to call for additional reports as appropriate.

RESOLVED:

1. That the Board supported the recommendations to the Executive as set out in the report;
2. That a summary of the above comments be passed on to the Executive in relation to this item.

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77 PROGRESS REPORT BY SCRUTINY PANEL B OF ITS REVIEW OF OVERVIEW AND SCRUTINY

Consideration was given to a report by Councillor Mrs A M Newton, Chairman of Scrutiny Panel B, which provided an update of the work undertaken so far by Scrutiny Panel B of its Review of Overview and Scrutiny; and the work planned prior to the conclusion of the review.

Further to the report, Members had been provided with additional information which detailed the Panel's initial findings:

- There was no suggestion that the overall number of overview and scrutiny committees needed to change. The Panel was due to consider an item on the role of the Safeguarding Boards Scrutiny Sub-Group.
- More attention should be paid to the 'overview' element of overview and scrutiny, in particular whether overview and scrutiny committees could become involved in some aspects of policy development and proposed decisions at an earlier stage.
- Support and training for all scrutiny councillors needed to be considered, for example developing questioning skills and understanding of local authority budget processes.
- Chairmen of scrutiny committees should be advised of the statutory provision and should use their discretion to ensure that all relevant organisations were invited to contribute towards scrutiny.
- The Panel was satisfied with the resources available for overview and scrutiny, including the support arrangements for the overview and scrutiny function, which were based on the 'specialist' model, with dedicated scrutiny officers providing support for the overview and scrutiny committees and the scrutiny review processes.

The Board considered the report, and Members reiterated the importance of regular training, particularly on questioning skills.

The Head of Democratic Services and Statutory Scrutiny Officer advised that the Centre for Public Scrutiny had advertised training sessions in early 2020, and officers would ensure that they informed scrutiny members about these.

It was suggested that officers investigated whether it was more cost effective and overall more beneficial to bring the training in-house.

RESOLVED:

That the following be noted:

1. that Scrutiny Panel B had so far considered: -
 - each chapter of the *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (issued by the Ministry of Housing, Communities and Local Government in May 2019)*

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- the existing executive – scrutiny protocol, entitled *Developing Relationships Between the Executive and Overview and Scrutiny*;
 - the statutory scrutiny officer role and resourcing for overview and scrutiny in Democratic Services;
 - clarifications of two aspects of the legislation; and
 - analysis of activity of the overview and scrutiny function.
2. that Scrutiny Panel B was due to consider: -
- the Peer Review of Lincolnshire County Council (September 2019) and any relevant findings for the review;
 - discussions with the Leader of the Council, the Head of Paid Service and the Head of Communications;
 - questioning skills and support and training for overview and scrutiny councillors;
 - questionnaire responses from chairmen of overview and scrutiny committees;
 - analysis of the outcomes of the overview and scrutiny function;
 - role of Scrutiny Panel A and Scrutiny Panel B in scrutiny review process; and
 - the role of the Safeguarding Boards Scrutiny Sub Group.
3. the initial findings of the review.
4. that Scrutiny Panel B's draft final report would be submitted to this Board on 26 March 2020, prior to its consideration by the Executive on 5 May 2020.
5. That the feedback from the Board regarding Member training be provided to Scrutiny Panel B.

78 HR MANAGEMENT INFORMATION AND WORKFORCE PLAN UPDATE REPORT

Consideration was given to a report by the Strategic People Management Advisor, which provided an update on the HR Management information and corporate HR projects.

Members were advised that the 2019-20 Quarter 1 figures had calculated a projected increase in spending of around 8.5% for agency staff by the end of the financial year. The recent increases in agency usage were mainly due to a shortage of social workers in both Adult and Children's Services teams. Officers were continuing to monitor this and were working with the relevant Executive Directors on recruitment campaigns. Legal Services continued to have a high agency spend, which was mostly due to the difficulties in appointing Childcare Lawyers.

It was explained that the absence data collected in Quarter 1 had shown 7.15 days lo per Full Time Equivalent (FTE), which was a slight increase on the previous quarter. Data showed an upward trend in this area. There had been a decrease in Mental health reported sickness absences in most areas however Children's Services

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Directorate had seen an increase. The Council was working with Public Health to introduce mental health first aiders, along with a number of other measures to assist employees suffering with mental health issues.

Members were informed that a review of all employment policies was underway to ensure that they were written in a user friendly way. It was hoped that all updated policies would be rolled out in 2020.

It was noted that an updated employee survey had launched in November 2019, and the results would be used to inform organisational and workforce policies. Officers would report the results of the survey to a future meeting of the Board.

Members were invited to ask questions, in which the following points were noted:

- In response to a question, officers agreed to outline the main reasons for leaving given at exit interviews at a future meeting of the Board.
- It was noted that work was being carried out to help increase managers' awareness to help them to identify individuals who may be suffering with mental health issues, to ensure that support systems could be put in place to assist.
- It was hoped that the introduction of mental health first aiders would help people who were in the initial stages of mental health conditions. The aim was to prevent mental illness getting to a stage where the employees needed to take long term sickness absence.
- It was clarified that all Human Resources employees were aware of the Equalities Act in relation to Mental Health.
- Concerns were raised over the fact that adjustments to workstations to help with muscular-skeletal issues were down to the manager's discretion.
- Members questioned whether officers were concerned with the age profile of employees, and that there was the potential to lose a lot of experience within some departments. Officers advised that managers were responsible for succession planning within their departments and HR was working to ensure that all managers were considering the issue of loss of knowledge. There were a number of areas already looking at career progression within their teams.
- It was noted that apprenticeships were available to anybody irrespective of age.
- The Apprenticeship Board had discussed the use of local providers for apprenticeships, and did use local providers where appropriate. However, it was considered important that the Council used what they considered to be the best providers available.
- The Council was not currently spending all of the available apprenticeship levy funding, however this was generally the case across most public sector bodies.
- Officers agreed to report the 'true cost' of the increase in agency staff to a future meeting of the Board, taking into consideration the amount that would be spent on staff employed directly by the Council if agency staff were not being used.

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- It was noted that there was a national shortage of educational psychologists as it was a hard to recruit area. The Council was investigating alternative models and was working with the Lincolnshire Partnership Foundation Trust to build a workforce between a clinical and psychological model which could provide the necessary services for Lincolnshire County Council.
- Members were advised that there was little flexibility in the level of apprenticeship levy that could be transferred to the Council's providers.

The Board supported the Head of Paid Service in writing to the Government to increase flexibility on the level of apprenticeship levy that the Council can transfer to its providers.

RESOLVED:

1. That the Board be reassured on the HR Management information and the progress on corporate HR projects;
2. That the Board support the Head of Paid Service in writing to the Government to increase flexibility on the level of apprenticeship levy that the Council can transfer to its providers.

79 SCRUTINY COMMITTEE WORK PROGRAMMES

Consideration was given to a report by the Vice-Chairman of the Public Protection and Communities Scrutiny Committee, which highlighted the work undertaken by the Committee at its recent meetings.

Members were advised that as of July 2019, the Registration Service had been able to take card payments for certificates and all other services at its main Lincoln Office, and the card payment system had started to roll out to other offices, with the work scheduled to be completed by the end of 2019.

The Committee had also considered Adult Reoffending performance measures as requested by this Board. It was confirmed that the reoffending rate for adult offenders in Lincolnshire had remained around 29.6% on average for the last two years. The Assisting Rehabilitation through Collaboration (ARC) scheme had involved working with the most prolific offenders to address the underlying causes of their offending behaviour and ARC had seen a significant reduction in reoffending rates. Lincolnshire Police was working to bridge some gaps in the service and was working with a number of partners to improve the pathways for people leaving prison and ensure that all the relevant services were available to them. The Committee was scheduled to revisit this area of performance in six months to monitor progress on Adult Reoffending measures.

Members were referred to Appendix A to the report, which set out the Committee's prospective work programme.

Members were invited to ask questions, in which the following points were noted:

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- There was no expectation that the Public Protection and Communities Scrutiny Committee would be involved in any future development of the Council's heritage services, including the Usher Gallery. It was thought that this would now be referred to the Executive to make any final decisions or responses.
- It was questioned whether the summer flooding incidents had had an impact on Fire and Rescue services and whether there was an expectation of more resource as a result. The Vice-Chairman of the Public Protection and Communities Scrutiny Committee agreed to raise the query on behalf of the Board.
- Members questioned what work was being done specifically to rehabilitate offenders. The Vice-Chairman of the Public Protection and Communities Scrutiny Committee agreed to raise the query on behalf of the Board.

RESOLVED:

That the Board be satisfied with the previous activity and the content of the planned future work programme of the Public Protection and Communities Scrutiny Committee.

80 AZURE MIGRATION

Consideration was given to a report by the Assistant Director – IMT, which invited the Board to consider a report on Azure Migration which was being reported to the Executive Councillor for Highways, Transport and IT between 07 January and 21 January 2020.

Members were informed that approval was sought to proceed with a project through the Council's contract with Serco to migrate the Council's services, applications and data from the existing remote hosting locations to Microsoft Azure and approve expenditure of £790,000 in 2020/21 to be funded through the IMT Capital Budget.

The Microsoft Azure Cloud service would deliver resilient services natively without having to duplicate systems at Lincolnshire County Council's cost, allowing a large number of servers to be removed over time.

Members were referred to Appendix A to the Executive Councillor report, which detailed the business case for Azure Migration.

Members were invited to ask questions, in which the following points were noted:

- Microsoft Azure achieved resilience without the Council carrying the cost of duplicating services across geographic locations. As Microsoft had a global footprint, it could move the service to another data centre to balance loads and deal with any issues with availability in our primary location.
- Microsoft had a security rating for its data centres which was assessed as exceeding the Council's requirements and was used by a number of Government departments.

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- The potential saving of £897k per annum was welcomed by the Board.

RESOLVED:

1. That the Board supported the recommendations to the Executive Councillor for Highways, Transport and IT as set out in the report;
2. That a summary of the comments made above be passed on to the Executive Councillor for Highways, Transport and IT for his consideration in relation to this item.

81 PERFORMANCE OF THE CORPORATE SUPPORT SERVICES CONTRACT

Consideration was given to a report by the Serco Contract Manager, which provided an update of Serco's performance against contractual Key Performance Indicators (KPI) specified in the Corporate Support Services Contract between July and November 2019.

Members were advised that there was a typing error in the addendum report which had been circulated and the Target Service Level (TSL) achieved for November 2019 should read '35'.

Members were advised that CSC_KPI_04, '% of total calls that are Abandoned Calls' had failed to meet the TSL for August 2019. This was due to changes that Serco made to its services which were intended to improve efficiency and resilience. However, an unintended and unanticipated effect of this was increased abandonment. Serco had immediately started remediation work including routing fewer calls to another centre and increasing resource. This KPI had also failed to meet the Minimum Service Level in September 2019, however this KPI had achieved its Target Service Level for October and November 2019.

Members were informed that a number of KPI's had been granted mitigation and were detailed within the report.

The Operations Manager Director – Serco informed Members that there had been a number of successful audits for Serco's financial assessments, which had provided additional assurance to the Council. The Corporate Refresh Programme had also been a success, with around 2000 new devices having been rolled out and 80 remaining.

Members reviewed the performance of the Corporate Support Services Contract information and commended the positive achievements made by the service.

It was commented that there had been a noticeable improvement in the quality of service offered by the customer service centre. It was noted that colleagues seemed more engaging and welcoming. It was requested that this feedback be passed on to colleagues within the customer service centre.

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Consideration was then given to a report by the Assistant Director – IMT and the Head of Portfolio and Resources – IMT, which provided an update on the progress made against key IMT-related transformation and transactional projects being undertaken by Serco and other third party suppliers.

Members were referred to Appendix A to the report, which set out the top twenty priority IMT projects for review by the Board.

Members were invited to ask questions, in which the following points were noted:

- Members questioned whether it was still necessary to continue to receive the top 20 IMT projects considering the significant improvements in IMT performance. Officers advised that they were now working in a 'business as usual' state and were constantly improving.
- Members were pleased to see a positive direction of travel and commitment from IMT.
- The Executive Director – Commercial explained that the 'fixing the basics' projects were now nearing completion and officers were now looking forward to shift the approach and work on projects that were scheduled for the future. It was recommended that a report on projects that were amber and red be reported to the Board in future, and to only report the green projects once they reach the completion stage, to allow Members to see if projects had been successful.
- Members felt that it was important to continue to receive updates on any red and amber projects.
- The Chairman agreed to contact all Members of the Board following the meeting to ask for feedback and agree the best way forward for future reporting.

RESOLVED:

1. That the Board be reassured about the performance of the Corporate Support Services Contract and the performance of key projects.
2. That the highlighted 20 IMT projects in Appendix A be reviewed.
3. That the comments made above be noted.

**82 OVERVIEW AND SCRUTINY MANAGEMENT BOARD WORK
PROGRAMME**

Consideration was given to a report by the Head of Democratic Services and Statutory Scrutiny Officer, which set out the Board's prospective Work Programme.

Members had previously requested that a meeting of the Board be held at the new County Emergency Centre. Following discussions with the Board, it was agreed that Officers investigate the possibility of holding the March meeting of the Board at the County Emergency Centre.

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It was suggested that the Board should provide praise and positive feedback when there was an opportunity to do so.

The Chairman agreed to write a letter on behalf of the Board to commend colleagues within IMT for their hard work to resolve issues.

RESOLVED:

1. That the work programme and suggestions be agreed;
2. That the Chairman write a letter on behalf of the Board to commend colleagues within IMT for their hard work to resolve issues.

The meeting closed at 12.15 pm