

PUBLIC

MINUTES of a meeting of **IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES** held on Thursday, 9 May 2024 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor S Swann (in the Chair)

Councillors R Ashton, J Dixon, R Flatley (substitute member), M Ford (substitute member) A Hayes, D Muller and D Murphy.

Apologies for absence were submitted for Councillors J Barron, M Foster and J Innes.

09/24 DECLARATIONS OF INTEREST

There were no declarations of Interest.

10/24 MINUTES

The minutes of the meeting held on 29 February 2024 were confirmed as a correct record.

11/24 PUBLIC QUESTIONS (30 MINUTE MAXIMUM IN TOTAL)

Question from D Ingham:

At this Committee on 22-01-24 when considering the Budget Savings Proposals report, in a response to a direct question from Councillor George the Executive Director (ASCH) indicated there were no plans to reduce the number of Council Care Homes.

I'm sure if it had been stated that savings of 5.209 million (Ref ID ASCH 5) would have been reliant on reducing Council operated Care Homes further discussion would have occurred. Possible alternative proposals may have been put forward to Cabinet which was the very purpose of the Committee meeting.

As such this didn't occur. In turn these identified savings were approved by Cabinet and Full Council.

On 29-04-24 Cabinet were then asked to approve a public consultation that could result in closure of up to 11 Council Homes due to the

previously approved savings now suddenly being reliant on the sale or closure of Homes despite never being previously mentioned at any Committee.

Can officers set out precisely the events/meetings/decisions after 22-01-24 to fully explain how they have gone from a position of having no plans to reduce Care Homes in January to then in April having to close up to 11 to achieve the now approved savings?

Response:

I would like to thank Mr Ingham for his question to the committee today and respond as follows:

In the Improvement and Scrutiny Committee – Resources meeting on 22nd January this year I outlined proposals for budget savings across a number of Adult Social Care and Public Health areas and when informing the committee about the proposals relating to older adults residential care homes I expressed my belief that through taking another look at our residential care home offer for older people to make sure that what we have in place remains appropriate to meet future needs and demands, both in terms of the number of services / places and the model of delivery so that we can be sure that there is enough capacity to meet current and future demand and that it delivers a service that enables people to develop, retain and maintain independence and to build and maintain supportive networks in their local communities we can reduce current costs by £5.209m across the next 5 years.

I was then asked by Cllr George which and how many of the current care homes were we proposing to close to deliver that amount of money and in response to that question I identified that the financial figure profiled had not been reached as a result of a set plan to close specific homes and confirmed that whilst the figure had been based on a reduction in service volume to meet current utilisation it could equally be delivered through a mixture of rightsizing and remodelling of the offer.

I would suggest that this response was clear that although no specific homes had been considered or profiled for closure at that point in time there was a recognised need to seek to reduce capacity to meet declining demand and to remodel the remaining offer. Since the scrutiny meeting held on 22nd January 2024 work to identify and review current and future demand for standard residential care beds has been completed alongside continued analysis of areas of gap in the market for residential care services and it is this combined activity that has confirmed our understanding that there is sufficient capacity in the Derbyshire care home market to deliver to standard residential care

demand moving forwards and led us to propose that the Council should rationalise its capacity and focus its direct delivery on meeting the growing gap in specialist Dementia residential care as outlined in the consultation options.

Supplementary Question:

In refer to the response provided. I was at the Scrutiny Committee and although there was reference to homes having to operate differently in the future there was absolutely nothing stated to suggest that homes could be reduced to achieve the proposed savings.

Therefore, speaking as a member of the public I do not consider that the situation was made clear to Members.

Given this, my question is can officers revisit the written response provided and as already requested set out precisely what took place between February and April given that the potential of home closures to achieve savings was most definitely not placed on the radar of Scrutiny, Cabinet or Full Council who then went onto approve the savings plan?

Response:

Thank you for your supplementary question following my response to your initial question presented to the Improvement & Scrutiny Committee – Resources.

I am satisfied that in my response to questions in the Scrutiny meeting on 22nd January 2024 I was clear that the savings figure quoted in the proposals of £5.209m was based on reducing the volume of directly operated residential care homes down to meet current and future demand and whilst, as indicated in my previous response, I indicated that we had not determined at that stage which specific services would be affected by the proposals I was clear that we would need to right size to meet current demand and that we would need to change the model of delivery for services that remained.

Again as I identified in my previous response to this question I can confirm that since the scrutiny meeting held on 22nd January 2024 work to identify and review current and future demand for standard residential care beds has been completed alongside continued analysis of areas of gap in the market for residential care services and it is this combined activity that has confirmed our understanding that there is sufficient capacity in the Derbyshire care home market to deliver to standard residential care demand moving forwards and led us to propose where the Council should rationalise its capacity and focus its direct delivery on meeting the growing gap in specialist Dementia residential care as

outlined in the consultation options.

12/24 UPDATE ON THE REVIEW OF THE STRATEGIC APPROACH TO EQUALITY DIVERSITY AND INCLUSION

Wes Downes, Policy Manager and Sally Pearson, Head of Learning and Development attended the meeting and provided members with a presentation to compliment the report on the key results and findings of the public consultation on the proposed EDI Statement and gave an update on the review of the strategic approach to Equality, Diversity and Inclusion (EDI) and asked the committee to note the final draft EDI Statement and Equality Objectives.

Public consultation on the proposed draft EDI Statement and Equality Objectives took place between 28 February and 13 March 2024. Around 100 individual responses were received to the online consultation, which represented a significant increase on previous consultations on EDI strategies and policies.

There were high levels of agreement with the EDI statement and objectives with relatively low levels of disagreement .

Respondents were asked in what capacity they were responding to the consultation and were able to select several options such as being a Derbyshire resident and employee. The highest single group responding were employees of the Council with 80% of respondents selecting this option.

Key results and findings from the public consultation were outlined at Appendix 2 to the report. Many respondents acknowledged that good progress on EDI issues had taken place and welcomed a stronger commitment to EDI. Several key themes and issues were identified in the consultation and were detailed in the report.

Alongside the public consultation further internal stakeholder engagement had taken place with responses having a bigger focus on organisational culture, diversity, and inclusion, and ensuring that actions matched any commitments being made, including in relation to employee opportunities and engagement.

As a result of the feedback received from the consultation, it was proposed to amend the EDI Statement to the following, which reflected the significant feedback that the EDI Statement should be more explicit about the Council's commitment to communities as well as the organisation.

“Equality, Diversity and Inclusion at Derbyshire County Council means that all colleagues and our communities will have a voice, ensuring we listen and engage, shape and respond to enable an inclusive culture. As a result, our inclusive culture will ensure equality, diversity and inclusion underpins our planning and service delivery leading to improved outcomes for our communities.

It was proposed to seek agreement to the approach and adoption of the equality objectives by Cabinet at its meeting of 13 June 2024.

Consideration had been given to refreshing EDI governance to align with the new approach throughout 2024-25. It is proposed that the current EDI board is reframed and repurposed to provide senior leadership oversight in respect of the organisation’s performance against its EDI statement and defined equality objectives, providing a connection between the Council’s Corporate Management Team and Departmental Management Teams to support integration of inclusion into the Council’s business as usual service delivery, whilst also making connections with the strategic planning approach.

Alongside the work to develop the revised strategic approach to EDI over the last year, several key areas of EDI activity had been undertaken. Much of the activity undertaken had not only positioned the Council in respect of progressing the new approach but has also continued to provide a robust basis for the Council in respect of its work around budget saving activity and wider transformation of the Council. Details of the key activity undertaken were given in the report.

Members made a number of observations and asked questions which were duly noted or answered by officers. Particular reference was made to what members considered to be a low response to the on line survey, and whilst it was accepted that this was an increase on past consultations officers were encouraged to continue to look at ways of encouraging people to respond in future consultations.

RESOLVED to note (1) the key results and findings of the public consultation on the EDI Statement and Equality Objectives as set out in Appendix 2 of the report;

(2) the final proposed EDI Statement and Equality Objectives as set out in Appendix 3 to the report as a basis for seeking Cabinet approval; and

(3) the update on key EDI activity across the Council undertaken in 2023-24 as set out in the report.

13/24 TRADE UNION TIME OFF

Members were updated on on the current situation regarding Trade Union Time Off within Derbyshire County Council.

Derbyshire County Council recognised a number of trade unions, and was therefore required to follow ACAS guidance in relation to this. The relevant guidance, and the minimum that an employer should follow was the ACAS Code of Practice on time off for trade union duties and activities. For clarity, trade union duties were mainly related to issues connected with the collective bargaining process and representing members, whereas trade union activities were related to internal trade union meetings and arrangements.

The Code of Practice was not prescriptive in defining the amount of time off for trade union purposes, but states; 'The amount and frequency of time off should be reasonable in all circumstances'.

The Code of Practice also states that 'Employees who are representatives of an independent trade union recognised by their employer are to be permitted reasonable time off during working hours to carry out certain trade union duties', and that 'an employer who permits union representatives time off for trade union duties must pay them for the time off taken'. The amount of pay should be the amount the employee would have earned had they worked during the time off taken.

In addition to the ACAS Code of Practice, Derbyshire County Council has voluntarily agreed with Unison, Unite and GMB, a trade union recognition agreement comprising:

- The Recognition Agreement itself,
- Appendix 1 of the agreement – a list of issues the authority has agreed to negotiate, consult or engage with trade unions on,
- Appendix 2 of the agreement – the trade union time off and facilities agreement,
- Appendix 3 of the agreement – an agreed consultative framework.

The above recognition agreement and the associated appendices, including the time off agreement are currently subject to review having been in place since April 2021. Initial amendments have been suggested and shared with Unison, Unite and GMB. HR colleagues will meet with Regional Officers on 8 May 24, to progress this review.

Members made a number of observations and comments and asked questions which were duly noted or answered by officers.

RESOLVED to note the current situation regarding trade union time off and facilities and note the proposals to review the recognition agreement.

The meeting finished at 3.00 pm