

PUBLIC QUESTIONS TO COUNCIL – 27 November 2024

1) Question from Andy Billings to Councillor A Dale, Cabinet Member for Education

“My son has not been able to attend school since April 2022 due to Autism and severe Anxiety. The following failings have been acknowledged by DCC:

- Failure to provide a full-time education since April 2022 and meet the statutory timescale to issue an EHCP;
- Refusal to provide an Occupational Therapy assessment;
- DCC SEND Officers being barred from our Tribunal Appeal.

Councillors Lewis, Dale and Patten and Carol Cammiss have received numerous emails regarding my son’s case and received no response from the Leader nor Carol Cammiss. Emails to Cllrs Dale and Patten have been ignored, and we have received no support from Cllr Patten, the person sent to Matlock to represent us. Given the severity of the failures by SEND Services, and the impact on my son, does the Council feel it’s acceptable that Cabinet Members and Directors, ignore communications from parents, requesting support with their child’s case?”

Councillor Dale’s written response:

While I appreciate you may not wish to accept it, I want to start by offering a profound apology on behalf of the Dept for the poor standard of service you have received, particularly in relation to communication, which we acknowledge has not been good enough at all and must improve.

There are a number of steps being taken to improve our communication and engagement with parents and schools and this is a huge focus for us at the moment. This includes the recent launch of the EHC Hub. While it will clearly take a bit of time to bed in, the benefits of providing much greater transparency for parents and schools around the EHC process it is hoped will significantly reduce the need to contact officers for updates and thereby help to free them up to answer the more technical enquiries they receive in a more timely manner.

In answer to your specific question, the answer is of course no, but respectfully I do not agree that that has been the case. It is not uncommon for emails to members of the Cabinet, local members and senior officers to be passed to the relevant operational officer to respond, particularly when the enquiry is technical in nature or relates to case-specific information.

This is particularly the case when many of the emails we receive we are copied in on rather than being the direct recipient, as is the case with the significant majority of your emails. The default expectation is that the direct recipient is based placed to respond on behalf of the authority.

That said, having reviewed the correspondence file, I can see examples where myself, Cllr Lewis and Cllr Patten have sent emails to the Department to chase up responses to you, recognising that the delays you were experiencing were unacceptable.

It is also typical for emails to the Leader of the Council to be passed to the relevant Cabinet Member for response, as was the case with your email last year. I have already apologised for the significant and unacceptable amount of time it took to provide a response. As I explained at the time, as we do not hold casefiles or access to them (and nor would it be appropriate for us to do so), we are reliant on relevant information being provided by the service in order that we can respond. I have checked back over my correspondence file and have seen several examples where my office and I were chasing the Department for this information. It is no excuse for how long it took, but the only explanation I can provide is that the SEND team has and continues to be extremely stretched in seeking to deal with the significant rises in the number of requests for assessment.

Similarly, I also receive a very significant volume of correspondence on SEND from parents, carers, grandparents, elected members and MPs. I always seek to do what I can to help in each case and respond as quickly as possible, but openly admit to not always being able to do so due to the sheer volume of requests.

Finally, I would add that much as we may wish to, as local members or Cabinet Members, it is not appropriate for us to intervene in specific cases and overturn decisions made by professional officers or multi-agency panels, nor do we have the power to expedite any specific cases over any others, particularly given the production of an EHCP is a legal process and the need to be fair to all those who apply. Similarly it is often not possible to intervene in the tribunal process because it is a tightly run legal process. That said, elected members will often use whatever influence we can to try to resolve issues for families and get the best outcome possible.

Once again I am profoundly sorry on behalf of the authority that your experience has been so poor and unacceptable. I would be very happy to meet with you alongside senior officers to try to ensure that the partnership learns from the mistakes that have clearly been made in relation to George's case, should you be willing."

2) Question from Julia Iermachenko to Councillor C Hart, Cabinet Member for Health and Communities (not attending)

"Our community is deeply concerned about the ongoing situation in Ukraine, and we believe that, with the council's leadership and support, we can play a vital role in providing much-needed assistance. Would it be possible for the

opportunity to meet with you or other council members to discuss how we can work together on this important cause?"

Councillor Hart informed Council that she had worked with Ms Iermachenko on a number of projects and would contact her direct to arrange future activities.

3) Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget (attending)

"I've specifically quoted staffing numbers remunerated over £50,000 at Improvement and Scrutiny - Resources Committees on 28-09-23 and 22-01-24 with figures lifted from the approved 2022/2023 financial accounts. After spotting 2022/2023 figures had been upwardly changed within the 2023/2024 accounts without any explanation, I've been informed that previous figures were incorrectly calculated due to £1.24m of sacrificed salaries associated with Shared Cost AVC's not being included.

I appreciate given the recent approval of the Additional Duties/Accelerated Pay Progression Policy that Council may not have wanted to put lights around the reason for this particular mistake but as similar to absence statistics I remain concerned when mistakes are not highlighted, especially within key, important public documents. Given this untransparent change was made within of all things the corner stone 2023/24 financial accounts, how and when was the Cabinet Member made aware of this particular £1.24m error, if at all?"

Councillor Spencer's response:

"The 2022-23 accounts for the County Council were corrected in the 2023-2024 accounts. The discrepancy was discovered by the Council on the production of the 2023-24 accounts and relates to a disclosure note in the accounts and does not impact on the final financial statement.

Supplementary question from Mr Ingham:

"I'll return back to the issue around my reference to the additional duties and accelerated pay progression. I am surprised by the amount of salary sacrificing to increase pension provision in addition to contributions into conventional AVCs and freestanding AVCs.

Officers appeared to be retirement planning, whilst in parallel, payments for additional duties and accelerated pay to retain staff to plug retiree gaps could occur. curiously, there's nothing to prevent additional duty payments being made to those that have sacrificed salaries.

For accelerated pay, the policy states that this may not be applied if in the last year of service, but given there is no default retirement age, I'm unsure how

the council can know who that applies to. Given the quarter two overspend increase is £28 million, I understand why I feel it's important that all application documentation, without exception, is recorded collectively and in a way which will enable elected members and the public to understand upon inquiry precisely the budgetary expenditure incurred in respect of these new payment provisions.”

Councillor Spencer’s response:

“The implication that you are tabling at the meeting today and understanding the financial status of the council is of course up to the Cabinet. My role is a strategic role and the question you have asked is a technical issue, which I'm happy to present to the Head of Finance, who will respond to your question in writing, in due course.”

4) Question from Robert Barnes to Councillor N Hoy, Cabinet Member for Adult Care (attending)

"Given that Bennerley Fields has reportedly been operating at only 50% capacity due to restricting it's limit rather than a lack of demand, and that paying clients currently use its services, what basis and evidence, including public consultation, did the Council use to determine that the current model is financially unsustainable?"

Councillor Lewis’s response (Councillor Hoy did not attend the meeting):

“Thank you for your question. Bennerley Fields has been identified by system partners and the Council as being ideally situated geographically to support well integrated assessment and reablement and is essential to the model operating well, given its proximity to existing healthcare settings. The Council considers that this site is most appropriately used to support its CSB offer under a single operating model. As well as being ideally placed geographically for this purpose, the environment within the building affords the opportunity to provide support in dedicated rehabilitation and therapy rooms.

A focus on delivering a well-integrated and effective short-term assessment and reablement service alongside system partners is an important strategic priority for the Council. We know that in 2022/23, across Derby and Derbyshire’s combined footprint, 75% of people stayed in hospital longer than was ideal. This illustrates, the importance of investing in and focusing on flow through hospitals, supporting people outside the acute setting, through an intensive period of reablement to regain as much independence as possible following a hospital admission. The same principle applies to the avoidance of hospital admission where it is not required medically.

During the consultation, the Council received responses from Derby and Derbyshire’s Integrated Care Board and Derbyshire Community Health Services (DCHS). Both partners welcomed the Council’s intention to include a

focus on reablement through the continued delivery of community support beds as this helps deliver the joint strategic aim to support people in their homes for as long as possible. Both partners provided feedback that a single operating model, across fewer sites, with greater integration between health and social care, to deliver effective assessment and reablement care would serve people better as a result of more people being able to access the service due to the efficiencies created by operating more beds from fewer sites.

We know that reducing the number of sites from which the community support beds operate will achieve economies of scale and this is an important factor when considering the best use of public resources as well as the benefits cited above for people using the service and colleagues. During the consultation DCHS highlighted that reducing the number of care homes from which community support beds are operated means that healthcare colleagues are better able to utilise therapy and community nursing staff at a time when there is higher demand on these services than ever before, stretching scarce resources further. By operating a single model, partners will achieve efficiencies of scale and enable colleagues, ideally under one management structure, to support more people to regain as much independence as possible.”

Supplementary question from Mr Barnes:

“Two care homes were closed to get Bennerley Fields up and running - Scavengers Lane, Hazelwood and one in Weston Hallam, Beechcroft. I thought the Council's intentions was to close and have a bigger care home for Bennerley. Did the Council change its mind?”

Councillor Lewis’s response;

“You are correct and since the Covid pandemic in 2020, care priorities have changed significantly with the need now around creating, making and enabling care in the long term and allowing that flow through from hospitals to return back to our communities. Bennerley Fields will play a part in that as well. A more further technical written answer will be sent to you in due course.”