

**PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE**  
**24/11/2022 at 6.00 pm**



**Present:** Councillor Ahmad (in the Chair)  
Councillors Barnes (Substitute for Councillor Byrne), Kenyon  
and Shuttleworth

Also in Attendance:

Councillor Ali – Cabinet Member for Education and Skills  
Councillor Moores – Cabinet Member for Children and Young  
People

Dr Henri Giller – Independent Chair - Oldham Safeguarding  
Children’s Partnership and the Oldham Safeguarding Adult  
Board

Anne Ryans – Director of Finance

Mark Stenson – Assistant Director of Corporate Governance and  
Strategic Financial Management

Julie Daniels – Director of Children’s Social Care

Haley Eccles – Assistant Director Adult Social Care

Andrew Robinson – Oldham Point

Amber Burton - Assistant Director, SEND and Inclusion Services

Peter Thompson – Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M.  
Bashforth, Byrne, S. Hussain, Islam and Rea.

2 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **PUBLIC QUESTION TIME**

There were no public questions for this meeting of the  
Committee to consider.

5 **MINUTES**

The Committee considered the Minutes of the previous  
Committee, held 6<sup>th</sup> October 2022. Further to a query from a  
member, the Assistant Director of Corporate Governance and  
Strategic Financial Management advised that he had, further to  
Minute 6, pursued the issue of Street Lighting (M498 (C) with  
the Council’s Street Lighting Manager but had not yet received a  
reply thereon.

Resolved:

That the Minutes of the meeting of the Performance Overview  
and Scrutiny Committee, held on 6<sup>th</sup> October 2022, be approved  
as a correct record.

6 **OLDHAM SAFEGUARDING PARTNERSHIP 2021/2022  
ANNUAL REPORTS**

The Committee received the annual reports 2021/22 in respect of the Safeguarding Partnership which brought together both the Oldham Safeguarding Children's Partnership (OSCP) and the Oldham Safeguarding Adult Board (OSAB). The report was presented by Dr Henri Giller, the independent chair of both the OSCP and OSAB.



The Partnership and Board were responsible for leading the safeguarding arrangements in Oldham. They do this by bringing together the three Statutory Safeguarding Partners (the Police, Integrated Care Partnership and Local Authority) to work in close collaboration with relevant agencies to ensure that children, young people and adults are safeguarded and supported to live free from harm and abuse.

As part of the OSAB's statutory duties and the annual business cycle for the Safeguarding Partnership, the OSCP and OSAB each produce an Annual Report setting out the safeguarding concerns it has dealt with over the last year, along with the actions it has taken to help keep children, young people and adults safe in Oldham. The reports are designed to ensure that the local safeguarding arrangements and actions are transparent, open to public scrutiny and fit for purpose. The Annual Reports are also designed to capture the views and experiences of children, young people and adults in Oldham and highlight how learning from serious safeguarding incidents are changing and improving the way services work to safeguard families and adults at risk in Oldham.

The OSCP and OSAB 2021/22 Annual Reports were therefore presented for the Committee's consideration and comment.

In terms of the OSCP, Dr Giller reported that 2021/22 had been a challenging one for the Oldham Safeguarding Children Partnership in the light of the continuation of the Covid-19 pandemic. As with the previous year the impact of Covid on children and families in Oldham had been disproportionate due to the levels of poverty and inequality that affected the borough. The Partnership, mindful of its need to develop more responsive strategies for safeguarding children and young people in the borough, engaged in: Improving the offer to children and families facing domestic abuse Prioritising the identification and response to abuse caused by parental neglect Improving agency responses to complex and contextual safeguarding, including criminal and sexual exploitation Seeking the views of young people on access to and the effectiveness of current mental health services and how they might be improved The Partnership was committed to change and improvement in safeguarding in the light of the lessons of the past two years. Aside from the legacy of the pandemic, the Partnership also commissioned in this period an independent review into historic allegations of sexual abuse in the borough and learning from this will be picked up once the report has been produced in the forthcoming year.

The OSAB's annual report for 2021/22 illustrated that significant developments that were made by the local partnership to meet the continuing challenges of safeguarding and to adapt working practices to meet the complexity of current safeguarding needs. The evidence of significant safeguarding challenge could be seen throughout the report, especially in terms of - social isolation, compromised mental capacity, dual diagnosis of mental and physical vulnerability, living conditions threatened by violence (such as with domestic abuse) and homelessness. Moreover, this evidence had been recurrent both the safeguarding adult reviews and in the learning reviews. The response to these messages from partners had been clear and decisive – insofar that relevant agencies were required to listen to people's experiences of the challenge of safeguarding, challenge traditional working practice, work more closely and interchangeably to ensure that services were responsive and seamless. The Tiered Risk Assessment and Management (TRAM) Protocol, the progress of the Board's training programme and the closer collaborative working with people with a dual diagnosis are all good examples of this willingness of partners to creatively change.

Members of the Committee considered both reports in detail commenting on the demand for services (for both children and adults), the number and frequency of referrals, the impact of the 'cost-of-living crisis' on service delivery. The Committee also sought clarification on the provision of services for those who were in the '16 – 18-year-old' age bracket and were transitioning from services provided by OSCP to OSAB?

Resolved:

1. That the 2021/22 annual reports, in respect of the Safeguarding Partnership, for the Oldham Safeguarding Children's Partnership and the Oldham Safeguarding Adult Board be noted and welcomed.
2. That Members request that the 2022/23 Annual Reports be presented to the Committee in approximately 12 months.

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### **UPDATE ON SUPPORT AND PROVISION FOR CHILDREN AND YOUNG PEOPLE WHO HAVE SPECIAL EDUCATION NEEDS AND/OR DISABILITIES (SEND)**

The Committee scrutinised a report of the Assistant Director, SEND & Inclusion, which provided an update for members on support and provision for children and young people who have special education needs and/or disabilities (SEND) and inclusion in the local area. The report also provided performance headlines related to SEND and inclusion, showing how the local area compared to national, regional and statistical neighbours for performance related to statutory processes.

The Committee was advised that statutory performance related to the timeliness of Education, Health and Care Plans (EHCP) remained significantly higher than the national average. The challenge now is to sustain this in the context of increasing demand. Capacity of the SEND Team was being monitored and

would need to be addressed to maintain performance. There had been a reduction in high cost independent and non-maintained special schools (INMSS), which meant that more children and young people were educated within their local community.

There were a higher-than-average number of children and young people in the local area who had an EHCP (Oldham: 4.7% and national: 4.0%), whilst the percentage at SEN support level is lower than average (Oldham: 11.5% and national: 12.6%). This indicated that there were issues around early identification and intervention and the graduated response being implemented consistently. At 55%, there was a higher number of statutory school aged children and young people who had an EHCP educated in specialist settings in Oldham (the average for all metropolitan boroughs was 9.9% and the national average was 34%). The reasons for this needed to be more fully understood. Recommendations could be made to address this, under the sufficiency aspect of the next phase of SEND strategy 2023- 2027, which will also align with the council's strategy, and which was detailed at appendix I to the report.

The latest national data, published in June 2022, by the Department for Education, showed that the most common type of need for children and young people who had an EHCP was autism and for those who are identified as requiring SEN support was speech, language and communication needs – which was reflected in Oldham. Despite the identified number of children and young people in Oldham schools who had an EHCP with a primary need of speech, language and communication (SLCN), this may not account for the true level of need. This was because many children and young people will have been identified as having needs related to social, emotional and mental health (SEMH), when they move from primary to secondary school. This indicates that their SLCN has been under identified or mis-categorised.

Following the Ofsted/CQC local area SEND inspection in 2017, which resulted in a written statement of action (WSOA) and the subsequent revisit in 2019, which resulted in an accelerated progress plan (APP), significant improvements have been made to the quality and timeliness of EHC needs assessments and EHCPs, as well as system improvements, including:

- Quality of EHCP's continues to improve: October 2022 audit indicates 95.5% good.
- Timeliness is consistently and significantly above the national average: 95% for 2022.
- Annual Review Recovery Plan: 95% of all EHCPs needing to be rewritten are complete.

- Workforce development: all staff have completed IPSEA legal training and are progressing to the NASEN Case Worker Award.
- All schools participated in Whole School SEND training and SEND in a Nutshell. Work continues to ensure SEND and inclusion is high on the primary and secondary heads agenda.
- Inclusion Frameworks have been developed and implemented.
- The Graduated Response Toolkit is in place and accessible online.
- The Autism in Schools and Early Identification of Need Projects have been implemented and work is being done to continue with the good practice that these have enabled.

Since the implementation of the WSoA and subsequent APP, practice in SEND has improved significantly and systems and processes remain more robust. There is also good partnership working across education health and care, 0-25.

Members welcomed the report and asked how the service would keep improving. It was reported that monitoring with Key Performance Indicators, challenge, support and benchmarking would continue to take place.

Resolved:

That the Committee notes the report and request that a further update be submitted to a future meeting in approximately 12 months.

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## **LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW OF COMPLAINTS 2021/2022**

The Committee considered a report of the Complaints Manager which detailed the Local Government Ombudsman (LGSCO) Annual Review of Complaints 2021/22.

The LGSCO received 55 complaints/enquiries relating to Oldham Council in 2021/22, which was a slight reduction from the previous year; this is a relatively low number when compared to other Greater Manchester authorities.

Along with most of Greater Manchester authorities, Oldham Council had seen an increase in the number of cases upheld and the overall upheld rate. In total, 69 final decisions were issued by the LGSCO in relation to Oldham Council. Most of these cases were not taken forward for detailed investigation but of the 17 cases that were taken forward for investigation, fault was found in 13 cases, giving an upheld rate of 76%.

Going forward, the Complaints Team aimed to reduce the percentage of complaints that are upheld by the LGSCO and would continue to work with services across the council and

partner bodies to provide good quality responses to residents at the earliest opportunity.



**Oldham**  
Council

The Council worked hard to resolve complaints at an early stage in the complaints process wherever possible to avoid the need for residents to pursue issues further. The lower percentage of complaints that go onto be investigated and upheld by the LGSCO, when compared to the number of complaints received by the Council, suggested that the Oldham Council was willing to take responsibility when things go wrong and to work with residents to resolve their issue appropriately.

However, as referenced above, the LGSCO found there was fault in 13 of the complaints that progressed to the detailed investigation stage, which gave an upheld rate of 76%. Whilst 2021/22 was unusual because of the increase in the number of decisions issued by the LGSCO, the Council was keen to improve on this figure in the coming year.

In two of the cases upheld by the LGSCO, the Council had already identified suitable remedies to put things right for the complainant, and the Ombudsman did not make further recommendations. This meant that out of the 69 decisions made by the LGSCO, it was found the Council was not at fault or had already identified suitable outcomes and remedies in 84% of cases.

As well as the LGSCO making recommendations in respect of complaints that were upheld the Complaints Team and involved services had worked together to identify additional service improvements, including:

- Informing staff from the Planning Service of the importance of ensuring notification processes are followed correctly
- Informing staff from the Registrars Service that advice should not be provided to informants regarding the inclusion of formerly known as names on birth certificates
- Reminding staff within the Parking Service that discretion should be applied where late representations are submitted and where it is deemed appropriate, further correspondence to clarify matters should be sent
- Updating the template letter sent by the Complaints Team in which complainants are advised that a complaint cannot progress whilst legal proceedings are ongoing
- Sending the process for recording/ retaining information to staff from the Registrars service
- Instructing Discretionary Housing Payment (DHP) assessors to check bank details provided by phone and email against council tax records to ensure there are no discrepancies.

Resolved:

1. That the report be noted and welcomed
2. That the 2022/23 Local Government Ombudsman Annual Review of Complaints be submitted to the Committee in approximately 12 months.

9 **PERFORMANCE AND OVERVIEW SCRUTINY COMMITTEE  
WORK PROGRAMME 2022/23**

The Committee received a report detailing the Committee's Work Programme for 2022/23.

Resolved:

That the Performance Overview and Scrutiny Committee's Work Programme 2022/23 be noted.

10 **KEY DECISION DOCUMENT**

The Committee considered the latest Key Decision Document, which set out the Authority's Key Decisions scheduled to be made from 11<sup>th</sup> November 2022.

Resolved:

That the Key Decision Document be noted.

11 **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it contains exempt information under paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the report.

12 **POTENTIAL RISKS TO THE COUNCIL LINKED INTO  
NORTHERN ROOTS (OLDHAM) LIMITED**

The Committee considered a report of the Assistant Director of Corporate Governance and Strategic Financial management which updated Members on the perceived risks to the Council associated with the future operation of Northern Roots (Oldham) Limited. In considering the report, Members were advised that this report had previously been considered by the Audit Committee on 1<sup>st</sup> November 2022.

The Committee was informed that Northern Roots had been initially created as a Charitable Company with the Council as the sole shareholder on 29<sup>th</sup> November 2021. Prior to this date, all income and expenditure associated with the Northern Roots initiative was accounted for by the Council. During the time Northern Roots operated as part of the Council, it was agreed that the Charitable Company would use the Council's financial ledger and a separate ledger was created for its future use once it became a company. This ledger was now operational, and the Council will influence the future appointment of the External Auditor for the Charitable Company.

In considering the report Members expressed the view that the Cabinet should take a robust position in terms of overseeing the governance arrangements of Northern Roots.

Resolved:

1. That the Committee notes the key perceived risks as detailed in the submitted report relating to Northern Roots (Oldham) Limited
2. That six monthly update reports advising of the developing risk position be submitted to future meetings of the Committee.



The meeting started at 6.00pm and ended at 8.35pm