

## **BATH AND NORTH EAST SOMERSET**

### **CHILDREN, ADULTS, HEALTH AND WELLBEING POLICY DEVELOPMENT AND SCRUTINY PANEL**

Tuesday, 17th May, 2022

**Present:-** Councillors Vic Pritchard (Chair), Michelle O'Doherty (Vice-Chair), Ruth Malloy, Andy Wait, Paul May, Liz Hardman, Gerry Curran, Rob Appleyard and Joanna Wright

**Co-opted Non-Voting Members:** Chris Batten and Kevin Burnett

**Cabinet Member for Children and Young People, Communities and Culture:**  
Councillor Dine Romero

**Also in attendance:** Dr Bryn Bird (B&NES Locality Clinical Chair, CCG), Suzanne Westhead (Director of Adult Social Care), Leigh Zywek (Assistant Director for Children and Young People), Rebecca Reynolds (Director of Public Health and Prevention), Mary Kearney-Knowles (Director of Children's Services and Education), Claire Thorogood (Head of Contracting & Performance), Christopher Wilford (Director for Education, Inclusion & Children's Safeguarding), Cathy McMahon (Public Health Development & Commissioning Manager), Milly Carmichael (Health Improvement Officer) and Richard Howroyd (Head of Strategic Procurement)

#### **1 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

#### **2 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

#### **3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Gill Stobart had sent her apologies to the Panel and had informed them also that she would be standing down from her role on the Panel.

The Chairman, on behalf of the Panel, thanked Gill for the work she had carried out whilst being a member of the Panel.

#### **4 DECLARATIONS OF INTEREST**

Councillor Gerry Curran declared an other interest with regard to agenda item 12 (HCRG Care Group Options Appraisal) as he is an employee of HCRG.

Councillor Paul May declared an other interest with regard to agenda item 12 (HCRG Care Group Options Appraisal) as he is a non-executive Sirona board member.

## **5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

## **6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

Paula Riseborough made a statement to the Panel on the subject of HCRG Care Group. A copy of the statement can be found as an online appendix to these minutes and on the Panel's Minute Book. A summary is set out below.

I'm speaking today to highlight one of the many issues that I object to regarding the outsourcing of BathNES health and care services to private provider HCRG Care Group (formerly known as Virgin Care).

Most recently we have objected to the behaviour of Virgin Care executives in secretly negotiating a takeover of their company by Twenty20 Capital, without informing the commissioners (the Council and BathNES CCG) of this until after they had approved a 3-year extension of Virgin Care's prime provider contract.

Protect our NHS members have raised questions with our local councillors and with the health scrutiny panel about the procedures involved in the contract negotiations and were reassured when the Council announced that due diligence work and a revised options appraisal would be carried out regarding this contract extension.

However, on reading the Scrutiny Panel's Agenda for its 17 May meeting, together with the HCRG Care Group Options Appraisal document, I was dismayed to find that the long awaited report is to be presented to the Panel 'in private session due to the commercial sensitivity of the decision to be taken'. This represents one of my major concerns about outsourcing of publicly funded health and care services to private companies – there is a breakdown of transparency in the functioning of democratic and statutory organisations when the commercial interests of private providers are placed ahead of essential public interest.

If the full Options Appraisal document is not to be published, then the commissioners should provide for public scrutiny, at the very least, a summary of the Options Appraisal document. This should include a list of the people consulted for their views (and their job roles), what criteria they were looking at when deciding on a recommended option and, if a decision is made to extend HCRG's contract, what measures the commissioners have in place to prevent the prime provider company being sold on again during the BathNES contract period.

Councillor Liz Hardman commented that the Options Appraisal had not yet been shared with members of the Panel and that they were not asked to be part of that process.

Paula Riseborough said that she found that alarming and felt there was a democratic deficit in the process.

The Chairman thanked her for her statement on behalf of the Panel.

Theresa Franklin made a statement to the Panel on the subject of the High Common, Bath. A copy of the statement can be found as an online appendix to these minutes and on the Panel's Minute Book. A summary is set out below.

My subject is the dangers of sharing golf with the public on The High Common which is a park. One of the things about golf being played in a public park is the obvious danger of golf balls.

Golf balls can travel up to 100miles per hour. We have known near misses on the golf course and certainly flying balls have hit houses on Cavendish Rd.

Should users of this public park, be subjected to these dangers on a daily basis.

The High Common reverted to parkland during the pandemic. Many rediscovered the High Common a place of sanity and sanctuary. We don't want it returned to golf.

Because, the truth is Golf on The High Common changes everything.

Where we walk, where we sit, and how we feel! We certainly can't linger. And our children cannot run free. You can't breathe comfortably. Always on the lookout for a flying golf ball.

Golf restricts that access physically and has an affect on us mentally. Why should we be afraid, and constantly looking out for danger in a public park?

I can understand how 60 years ago, golf, pitch and putt really, might have been acceptable. But, surely not in 2022.

60 years ago, life was very different - people never wore seatbelts in cars, people drove drunk, people smoked, a lot, everywhere. Women could get fired for being pregnant. You get the picture.... None of these things are acceptable now.

Councillor Joanna Wright commented that she felt this area could be used for forms of social prescribing and was aware of its increased use during the pandemic.

Theresa Franklin said that many of the local residents, especially those in flats, use the High Common now as their garden space. She said if golf were to return it could do solely on the 12 hole side of the course and that anything more would be detrimental.

Councillor Dine Romero suggested that the statement be passed to Councillor David Wood, Cabinet Member for Neighbourhood Services.

The Chairman, on behalf of the Panel, thanked Theresa for her statement and requested that it be forwarded to Councillor Wood.

Councillor Joanna Wright addressed the Panel on the subject of the dentistry. She explained that a resident is unable to currently find a local NHS dentist and can't afford to have private treatment.

She said that the resident also has relatives that have problems with their teeth, including pain whilst eating. She asked the Panel to consider having a further discussion on this matter at a future meeting.

Councillor Paul May suggested that the Panel receives a review of local dentistry provision.

## **7 MINUTES: 8TH APRIL 2022**

Councillor Andrew Wait asked again for the RAG ratings in relation to the Community Mental Health Framework to be circulated to the Panel.

The Director of Adult Social Care apologised and said that she would send them to the Panel.

Councillor Joanna Wright asked if there was any update on whether the Wiltshire Adopters Networking, Development & Support (WANDS) can be used to support families in B&NES.

*The following reply also formed a response to a question asked by Councillor Wright at the 5<sup>th</sup> May Cabinet meeting.*

*A proposal is with Adoption West (AW) Board of Directors to commission WANDS to grow the service in other areas of the AW region, to include B&NES. B&NES Adopters can join groups commissioned by Adoption West in Bristol, via CSS Adoption <https://www.ccsadoption.org/>*

*B&NES adopters and residents are encouraged to contact AW duty team directly to discuss specific adoption support needs and to determine if the child / family need an assessment which they are entitled to request.*  
<https://adoptionwest.co.uk/>

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

## **8 CABINET MEMBER UPDATE**

Councillor Dine Romero, Cabinet Member for Children and Young People, Communities and Culture addressed the Panel. A copy of the update can be found as an online appendix to these minutes.

Councillor Liz Hardman commented that the OFSTED report on Children's Services is extremely pleasing and said that it highlights the excellent leadership we have in B&NES and how our services are good - well done to all. However, she said that from reading the report at agenda item 11, it is clear that substantial financial investment and increased capacity in the team is needed and asked what plans have been put in place to address this.

The Director of Children's Services & Education replied that the report makes recommendations in terms of the Council's Care Leavers Duty and said that new

legislation is expected later in the year with regard to extending the age range from 21 – 25.

She added that the Service Improvement Board will oversee all of the recommendations and that the team will be reviewed to consider what additional capacity is required to accommodate our post 21 offer.

Councillor Hardman asked if she was concerned about the increase in the number of children being electively home educated (EHE) in B&NES and if we have the right services in place to support these families appropriately.

Councillor Romero replied that she was concerned about the increase, though it has stabilised. She added however that we do not have an increase in the number of children EHE who are known to social care. She said that the EHE team provide support in line with the Council's responsibilities and have positive relationships with the EHE community. She stated that additional resourcing has been put into the team to manage increased numbers, however, we will need to look at this area again if the Education White Paper's proposals around EHE are implemented.

Councillor Hardman said she was very pleased to see that the three-year plan for social prescribing and an active travel program includes the Somer Valley and will include pop up hubs in places like her ward of Paulton. She asked when are these likely to happen.

The Director of Public Health and Prevention replied that we are expecting to hear from the DfT by the end of May, but can't guarantee that national timescales won't slip.

Councillor Andrew Wait commented that the report states that 97.9% received one of their up to five preferences in relation to School Admissions. He asked how many received their first choice and do you have comparisons with that statistic for previous years.

Councillor Romero replied that the following figures were recorded for 2021/22 and 2022/23.

Secondary:

2022/23		2021/22	
1 <sup>st</sup> Preferences	89.2%	1 <sup>st</sup> Preferences	84.2%

Primary:

2022/23		2021/22	
1 <sup>st</sup> Preferences	97%	1 <sup>st</sup> Preferences	93%

Kevin Burnett asked how the inspection of host families was being carried out with regard to the Ukraine refugees.

The Director of Children's Services and Education replied that this work was being carried out by a combination of teams. The Family Placement Team were leading on DBS checks and the Housing Team were assessing regarding Regulated Properties.

Kevin Burnett asked if information was available in terms of a national register for Home Education.

The Director for Education, Inclusion & Children's Safeguarding replied that details on this matter were expected to come in the White Paper.

Referring to School Admissions Kevin Burnett asked if there had been an increase in the number of people using all of their preferences when making their applications.

The Director for Education, Inclusion & Children's Safeguarding replied that yes there had been.

Kevin Burnett asked as part of the White Paper has the Council considered forming its own Education Trust.

Councillor Romero replied that at this stage she did not think the Council had had time to form a view on this matter.

Kevin Burnett asked if the Panel could be involved in some way with the response to the SEND Green Paper consultation.

Councillor Romero replied that she would try to include the Panel where possible.

Chris Batten asked if schools were going to be able to cope with the increasing costs of providing school meals.

Councillor Romero replied that she did not have any information to hand to be able to provide a response.

Chris Batten asked if there was funding available for new school buildings / repairs.

Councillor Romero replied that she was aware of a timetable of planned repairs that were due to take place.

The Director for Education, Inclusion & Children's Safeguarding added that pots of funding were becoming available in respect of maintained schools, SEND capital funding and the school building programme.

Councillor Ruth Malloy asked if there were sufficient school places available for Ukraine refugee children near to where they will be living and if they will have access to interpreters / resources given that English will not be their first language.

Councillor Romero replied that she believed that the current figure for Ukraine refugee children in the area was 30 and that there was capacity at this stage to cope with this number.

The Director for Education, Inclusion & Children's Safeguarding added that there were no current capacity concerns and that positive discussions had been held with local schools in terms of the education support that was to be required. He added that if children were to be placed within the Chew Valley, schools there might struggle in terms of places.

He said that online resources were available with regard to interpretation services.

The Chairman asked what would happen if families were to be placed within the Chew Valley.

The Director for Education, Inclusion & Children's Safeguarding replied that they would seek to find the nearest school with capacity and if needed provide transport.

Councillor Romero said that schools that are to receive refugee children will also put in place emotional and trauma support.

Councillor Paul May asked if she would support a report from the Schools Standards Board to a future meeting of the Panel.

Councillor Romero replied that she would.

The Chairman thanked her for her report on behalf of the Panel.

## **9 BSW CCG UPDATE**

Dr Bryn Bird, B&NES Locality Clinical Chair addressed the Panel. A copy of the update can be found as an online appendix to these minutes, a summary of the update is set out below.

### **Pressure on health and care services continues in BaNES**

Pressures related to Covid-19, staff absence and high demand for hospital beds have continued across BaNES over the past few weeks. A number of measures remain in place to help address these issues.

The main messages being for people to use our health services appropriately, support hospitals by collecting loved ones as soon as they are ready to go home, using our pharmacies for help and support wherever possible and using the online 111 service in the first instance.

He said that currently the RUH was operating under OPEL 4 (Operations Pressure Escalation Levels) and that cross-working meetings have been held to discuss how to relieve pressure.

### **BSW ICS and ICA update**

The Health and Care Bill which set out plans for the formation of Integrated Care Systems received Royal Assent at the end of April. The Bill will now pass into law as the Health and Care Act 2022 and paves the way for the BSW Integrated Care

Board (ICB) to become a statutory body on July 1st and the formation of the BaNES locality Integrated Care Alliance (ICA).

The Health and Care Act introduces measures to tackle the COVID-19 backlogs and rebuild health and social care services following the pandemic. It will also contain measures to address health inequalities and create safer, more joined-up services that will put the health and care system on a more sustainable footing.

The latest version of the BSW Partnership System Development Plan for 2022/2023 has been submitted to NHS England. The plan has been developed by lead and programme support teams from our key workstreams and focuses on the continued development of our BSW Integrated Care System and the transition activities that will be required during 2022/23 to align with the legislative changes planned.

Councillor Liz Hardman asked if any update could be given on the crisis affecting the ambulance service locally.

Dr Bird replied that support for the hospital discharge is intended over the coming year.

Kevin Burnett referred to the Healthy Start Scheme and asked if anything further could be done to support those in receipt of the paper vouchers to transfer to the prepaid card now being offered.

The Public Health Development & Commissioning Manager replied that an automatic registration process would be welcome, but this was not currently possible. She added that a lot of support and awareness is being carried out locally to make people aware of the changes.

Kevin Burnett asked how are messages about accessing GP services being managed given that more people will now likely want to return to face to face appointments.

Dr Bird replied that communications work has been carried out on this matter and that from his point of view he has always been willing to see people when required. He added that 111 still has a role to play, but that we need to make sure that those who need to meet can do so.

Councillor Andrew Wait asked about the number of Covid patients currently within the RUH.

Dr Bird replied that there was currently less pressure in terms of patients being admitted to the RUH with severe complications due to Covid.

Councillor Joanna Wright suggested that all Councillors be sent information relating to the NHS Healthy Start Scheme so that they are in a position to advise and assist residents if necessary. She referred to the BSW ICS and ICA update and asked for examples of who formed the Partnership and how are the decisions they make ranked.



Dr Bird replied that members of the Partnership will include representatives from Local Authorities, Public Health, the 3<sup>rd</sup> Sector, RUH and AWP amongst other bodies that have a role in health care provision. He added that decisions are taken on what provision would best support the wider community and that consideration is given as to what would be fairest across B&NES, Swindon and Wiltshire.

The Chair thanked Dr Bird for his report and attending on behalf of the Panel.

## **10 FOOD EQUITY PLAN**

The Public Health Development & Commissioning Manager introduced this report to the Panel and asked for their feedback on the proposals.

Councillor Liz Hardman wished to congratulate the B&NES officers who with the Fair Food Alliance group, have put in place a structure to drive the strategic direction and coordination of food insecurity work locally. She asked as the B&NES Fair Food Alliance does not have an operational budget, would this hinder its future work especially in developing income maximisation.

The Public Health Development & Commissioning Manager replied that the Co-ordination role carried out by the Health Improvement Officer gives us significant benefit and has been crucial to the success of the work. She added that the Co-ordination role was secure until July 2024 and additional funding would need to be found to secure this role longer term.

The Chair asked if it was sustainable for this work to rely on public support.

The Public Health Development & Commissioning Manager replied that the support received through the Voluntary Sector is fantastic, but that there is a need for solutions to become more sustainable through, for example, provision of better paid jobs or available healthy products at affordable prices. She also added that we need to ensure that our local services are accessible and dignified and support the voluntary sector in their response.

The Chair asked how would a member of the public approach a Food Bank if they needed to.

The Public Health Development & Commissioning Manager replied that people need to get a referral to a food bank before they can use it. Referrals can be made from, eg, a Health Visitor or Children's Centre.

Kevin Burnett asked for any further comment on the Poverty Proofing Schools Audit.

The Health Improvement Officer replied that the Audit is being piloted through 10 schools in B&NES and that the plan is to then to give all schools access to it to help them to recognise where students may need support.

Kevin Burnett asked if Free School Meals (FSM) was the only measure available to use.

The Public Health Development & Commissioning Manager replied that receipt of FSM would identify those on a low income, but that the Audit tool would seek to show schools how they can identify those in need and to work with other agencies where necessary.

Kevin Burnett asked if they have worked with SACRE on any projects.

The Public Health Development & Commissioning Manager replied that SACRE are part of the Fair Food Alliance, but that they have not been that active currently.

Councillor Rob Appleyard said that there was much to commend about the work that has taken place so far and that the Council needs to provide support to enable it to carry on.

Councillor Joanna Wright asked how residents can be helped to identify the support they are able to receive.

The Public Health Development & Commissioning Manager replied that Citizen's Advice will have a role to play in this process as there will be families that are not able to manage despite being in receipt of benefits. She added that effective lobbying of Government was also needed to be carried out.

Councillor Andrew Wait commented that in his role as Chair of Keynsham Town Council he was aware that the Food Club had approached the Town Council with regard to seeking some funding. He asked if this work was linked to the Fair Food Alliance.

The Public Health Development & Commissioning Manager replied that the Food Club had been set up independently to provide support to the local community by accessing excess food products from local supermarkets and Fare Share SW.

Councillor Wait asked if they would need to close if no funding was received.

The Public Health Development & Commissioning Manager replied that they do receive income through membership, £3.50 per week per family (around 50 families in each club) and funding through other bodies. She added that the Council do not provide them with any funding.

Councillor Ruth Malloy asked if the Council were able to identify any places that should have additional provision put in place and would they be able source a building if required.

The Public Health Development & Commissioning Manager replied that this would require discussions with departments such as Property Services.

The Panel **RESOLVED** to;

- i) Note the progress since the last report (May 2021) and endorse the new Food Equity Action Plan 2022 – 2025 and future priorities for the B&NES Fair Food Alliance.
- ii) Support the ambitions of the B&NES Fair Food Alliance by considering ways in which other Council and partnership strategy and policy can help to increase income equality and food security locally.

## **11 CHILDREN'S SERVICES OFSTED INSPECTION**

The Director of Children's Services & Education introduced this report to the Panel. She said that she was pleased to have received such a positive report and thanked all officers within Children's Services for their work.

Councillor Liz Hardman gave her congratulations to the Children's Services officers and management in receiving a really excellent report. She stated that all areas are judged to be good with recommendations on three areas of our practice. She added however that the report states that to carry out the recommendations of the OFSTED report, and our new statutory duties from April 2022, substantial financial investment and increased capacity within the team will be required. She asked what plans are being made to ensure that this financial investment is made and that capacity is increased.

The Assistant Director for Children and Young People replied that Children's Services have considered the recommendations in the Ofsted ILAC Report and that the Service has taken some immediate actions following the Ofsted Inspection and the Deputy Team Manager is acting up in a Team Manager capacity.

She added that the Service Improvement Board will oversee all of the recommendations and we will review the team to consider what additional capacity is required to accommodate our post 21 offer and this will be worked through in our ongoing finance planning.

The Chair on behalf of the Panel wished to commend all staff for their work.

The Panel **RESOLVED** to;

- i) Recognise the improvements made within Children's Social Care as outlined within the Inspection report.
- ii) Acknowledge the recommendations made within the Ofsted report and work collaboratively with Children's Services to address the recommendations identified.
- iii) Agree the proposal for overseeing ongoing progress within Children's Services.

## 12 HCRG CARE GROUP OPTIONS APPRAISAL

The Director of Adult Social Care introduced this report to the Panel and gave an outline of the timeline that had taken place so far.

- The Commissioners each took a decision on 11 November 2021 (through the Council's Cabinet and the CCG's Governing Body) to approve exercising Option 3 to extend the contract term for the three-year period until 31 March 2027.
- On 1 December 2021, the Virgin Care Services Limited notified the Commissioners that the business it formed a part of had been sold to T20 Pioneer Holdings Limited which is in turn ultimately held by Twenty20 Capital Limited (via another company) (T20). T20 is a private equity investor.
- The change took effect from 30 November 2021 with the formal change of control notice referred to above. The change in ownership is several steps removed from the Provider with intermediate companies being retained but names changed. The Provider is now known as HCRG Care Services Ltd. The Provider has stated that it "has no intention or proposal to make a consequential change to its operations".
- Following the announcement on 1st December 2021, the Commissioners paused formal confirmation and notification of the extension decision until the Council and CCG had undertaken a full due diligence review of the change in control and understand its legal implications.
- The Commissioners instructed BDO LLP (BDO), to undertake due diligence on T20 and the implications of the acquisition of the Provider for the Contract, the Commissioners, and the delivery of services.
- On 8 March 2022, it was agreed to defer the notification of the contract extension decision deadline until 30th June 2022 (subject to CCG and HCRG Care Group mutual agreement) and for a new options appraisal to be undertaken which will allow for discussion of other extension options with supporting rationale for each.
- On 4 April 2022, BDO facilitated an Options Appraisal Workshop in order to gather views and opinions from Commissioner representatives as part of the options appraisal process of the Contract based on the following four options:
  - Option 1 – Extend the Contract term for the 3 year period (until 2026/27)
  - Option 2 – Extend for an alternative period
  - Option 3 – Allow contract to end with no Contract extension beyond 31 March 2024
  - Option 4 – Termination of the Contract before 31 March 2024

Paula Riseborough said that it was difficult for her to add to her previous statement as the Options Appraisal report itself has been classified as exempt.

Councillor Joanna Wright asked for an explanation of the legal advice that the Council had received on this matter.

The Director of Adult Social Care replied that she was not able to share that information in the public domain. She added that the decision to hold an exempt session is not to protect the commercial aspects of HCRG but to safeguard the future decision that the Council and CCG make.

Councillor Wright asked if the decision regarding the contract was primarily about the Council obtaining best value for money as the Council's funds are in essence public funds.

The Director of Adult Social Care replied that the decision would not solely be based on finance as it also has to ensure that safe services are provided to the public.

Councillor Paul May said that he considered the decision to not be able to discuss the four options in public as undemocratic.

Councillor Liz Hardman said that she felt that a fifth option should be considered and that was to bring the contract back in house to the Council.

Councillor Paul May said that whilst recognising the CCG involvement he would support consideration of a fifth option.

The Director of Adult Social Care replied that this option had been given due consideration in recent months.

The Panel, having been satisfied that the public interest would be better served by not disclosing relevant information, **RESOLVED**, in accordance with the provisions of the Section 100(A)(4) of the Local Government Act 1972 that the public should be excluded from the meeting for this item of business, because of the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act as amended.

### 13 PANEL WORKPLAN

The Panel approved their current workplan as printed.

The meeting ended at 1.25 pm

Chair(person) .....

Date Confirmed and Signed .....

Prepared by Democratic Services