

# Overview and Scrutiny Annual Report 2021/22

## Introduction

Overview and scrutiny is a statutory function to help improve governance and public services for the benefit of local people. It ensures that the Council's Executive is publicly held to account for its decisions and actions and promotes open and transparent decision-making and democratic accountability. It also has a wide remit to explore how the Council and its partner organisations could improve services for the people of Nottingham by offering constructive review, feedback and challenge to the Council's Executive and other relevant local decision makers on their decisions, actions, policy, strategy and performance. Its purpose is to:

- hold local decision-makers, including the Council's Executive and the Boards of the Council's group of companies, to account for their decisions, actions, performance and management of risk
- review existing policies and strategies of the Council and other local decision-makers where they impact on Nottingham citizens
- contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham citizens
- explore any matters affecting Nottingham and/ or its citizens
- make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive
- review decisions made but not yet implemented by the Council's Executive in accordance with the Call-in Procedure.

During 2021/22 overview and scrutiny work was carried out by:

- an Overview and Scrutiny Committee chaired by Councillor Anne Peach, which took an overview of key strategic issues relevant to Nottingham, ensuring decision-makers were held to account for their decisions and actions;
- a Call-in Sub-Committee which meet as and when required to consider requests to 'call-in' Executive decisions that had been made but not yet implemented. There were no call-in requests submitted during 2021/22 for the Sub-Committee to consider;
- a Children and Young People Scrutiny Committee chaired by Councillor Carole McCulloch, which focused on the scrutiny of issues and services relevant to the wellbeing and safeguarding of children and young people in the City;
- a Health and Adult Social Care Scrutiny Committee to carry out the statutory roles to review and scrutinise matters relating to health in the Council's area, with powers to make reports and recommendations to health service commissioners and providers, and to scrutinise Adult Social Care to ensure the wellbeing and safeguarding of adults in receipt of support. The Committee was chaired by Councillor Georgia Power.

The function was supported by the Statutory Scrutiny Officer, two Senior Governance Officers (as part of their wider role), with support from other colleagues in Governance Services.

As part of developing its evidence base, the overview and scrutiny committees often invited individuals and organisations to attend meetings and provide information about their work, experience or expertise. We would like to take this opportunity to thank all those who contributed to the work of overview and scrutiny during 2021/22.

## **Scrutiny Improvement**

Towards the end of 2021/22 the Council commissioned the Centre for Governance and Scrutiny (CfGS) to carry out an independent review of the scrutiny function to identify areas for improvement and produce recommendations on how these improvements might be made within available resources. The review found that scrutiny councillors were generally engaged and committed to delivering effective scrutiny and passionate about improving the lives of residents in the city, but that there was recognition that the scrutiny function needed to significantly improve to add greater value to decision making by holding to account. A number of areas of concern were identified including in relation to the focus and purpose of scrutiny, organisational culture, relationships, trust, communication and use of information. Weaknesses in how scrutiny selects and prioritises its work and in the skills of councillors were identified. The review made ten recommendations for improvement. The review report was accepted by Full Council in September 2021 and responsibility was delegated to the Overview and Scrutiny Committee to develop and oversee implementation of an action plan to respond to the recommendations and address the issues raised.

As such, a key focus for 2021/22 has been reflecting on the findings and recommendations of the review to make changes that strengthen the function, enabling it to provide effective challenge and support to the Council. A Scrutiny Improvement Action Plan was approved by the Overview and Scrutiny Committee in October 2021 and that Committee has monitored its implementation during the year. Specific actions that have been taken include:

- Review and repurposing of scrutiny work programmes to focus on the Council's recovery and improvement. For the Overview and Scrutiny Committee this has meant inclusion of regular updates from the Leader of the Council on delivery of the Together for Nottingham Plan and scrutiny of key themes including the refreshing of the Strategic Council Plan, the Transformation Programme, commercial ventures, culture change and development of a four year Medium Term Financial Plan.
- The Overview and Scrutiny Committee Chair and Statutory Scrutiny Officer have met with the Council's Leadership, and the Statutory Scrutiny Officer has met with the Council's Corporate Leadership Team every month to horizon scan and support ongoing review of the work programmes to ensure that they remain relevant. A programme of regular work programming meetings has been established between the Chairs of the Children and Young People Scrutiny Committee and Health and Adult Social Care Scrutiny Committee and relevant Portfolio Holders.
- Increased visibility of the Statutory Scrutiny Officer within the organisation.

- Scrutiny committees have proactively identified the information and expertise requirements when setting their work programmes and requested additional input as necessary. For example, the Children and Young People Scrutiny Committee held an informal briefing session with colleagues from the Education Department in advance of its meeting with the Regional Schools Commissioner to help develop key lines of enquiry.
- The Committee responsible for health scrutiny has been renamed to highlight its remit in relation to adult social care. This has contributed to giving greater profile to adult social care issues by the Committee.
- Development of a comprehensive training programme to be delivered by the CfGS, including core scrutiny knowledge and skills, work programming and finance and budget scrutiny. The training programme has included bespoke mentoring for scrutiny chairs and a development session for the Executive. Positive feedback has been received about the sessions delivered so far.
- Scrutiny Chairs and Scrutiny Officers attended the national CfGS National Scrutiny Conference to learn from best practice in other local authorities and scrutiny settings. They have also engaged with relevant national and regional scrutiny networks.
- Review of the Scrutiny Committees' Terms of Reference and Overview and Scrutiny Procedure Rules as part of the comprehensive review of the Council's Constitution.
- Development of a Scrutiny Protocol between the Executive and Scrutiny which includes access to information; expectations in relation to engagement with scrutiny; provision of information and attendance at meetings; and expectations in relation to the response to, and implementation of recommendations. The Protocol was developed with input from scrutiny councillors, the Executive and the Council's senior officers, with the benefit of learning from best practice in other local authorities. Going forward the focus will be on putting the Protocol into practice.

Continuing the implementation of improvement activities and embedding improvement will be a key focus for the year ahead.

## **Overview and Scrutiny Committee**

In 2021/22 the Overview and Scrutiny Committee aimed to offer constructive review, feedback and challenge to the Council's Executive and other relevant local decision makers on their decisions, actions, policy, strategy and performance in order to ensure that the services delivered by the Council were fit for purpose.

The Committee continued its focus on recovery and improvement, as well as considering a number of specific topics.

Below are some examples of the work carried out throughout the year.

## **Recovery and Improvement**

The Committee was keen to maintain its focus on the Council's planned recovery and improvement as it continued to address the issues raised in both the Report in the Public Interest concerning the Council's governance arrangements for Robin Hood Energy Ltd (PIR) and the Non-Statutory Review of Nottingham City Council (NSR), under the guidance of the Improvement and Assurance Board.

The Committee heard from the Leader at each meeting about the progress made in implementing the Council's Together for Nottingham Plan (formerly the Recovery and Improvement Plan), which helped inform its work programme throughout the year.

The Committee also heard from Sir Tony Redmond, Chair of the Improvement and Assurance Board, on his views of the progress the Council is making in its recovery and improvement journey, which included a number of key functions for the Scrutiny Committee to fulfil:

- ensure accountability of decision making
- examine Executive response to the R&IP
- oversee and challenge Strategic and Corporate decisions stemming from the plan and how they are then implemented
- examine transformation to ensure best value and robust governance remains a focus.

## **Streetscene**

The Committee considered the split of responsibilities between residents and the Council and examined the appropriate deployment of Council resources, as well as the impact of financial constraints and how Street Scene fits into the Public Realm transformation programme and how services are contributing towards delivery of the Council's Improvement Programme, hearing from strategic transport priorities, hearing from the Head of Public Realm Services, and the Streetscene and Grounds Maintenance Service Manager in June 2021.

The Committee recognised the difficulties the service faced operating during the pandemic, and that plans were in place for services to return to their previous level of operation, but were concerned about when and how this would take place and how some areas would be brought back to the standard they were at pre-pandemic.

## **Transformation Programme**

In October 2021 and April 2022, the Committee heard from the Portfolio Holder for Skills, Growth and Economic, the Portfolio Holder for Adults and Health, the Transformation Programme Director and the Interim Director of Strategy and Policy about the Council's progress in establishing a transformation programme to support the delivery of the Together for Nottingham Plan.

The Committee heard that the transformation portfolio was at various stages of development; ranging from projects being very much in their inception to those being delivered, and covered all areas of council services, with a clear accountability and

delivery structure arranged under directorate programmes, cross-cutting programmes and enabling programmes, but that there were some difficulties in measuring the current progress of the transformation plan as many of the projects were in a very early stage, and the Transformation Programme Director only having been appointed in July 2021.

The Committee was concerned that they often received information around services and plans too late to effectively offer feedback and scrutinise and asked for assurance that this would not be the case with the transformation programme, which was given.

The Committee also expressed concerns about the speed and depth of the transformation project, as decisions needed to be robustly taken but also there was a need for expediency whilst ensuring the Council got Value for Money whilst facing budgetary and resource pressures.

### **The Budget**

In November 2021, December 2021 and January 2022 the Committee heard from the Portfolio Holder for Finance and Resources, and the Interim Corporate Director for Finance and Resources on the Council's budget.

The November meeting focussed on the Council's in-year budget, the financial context, and the Council's response to addressing the budget pressures.

The December meeting focussed on scrutinising the budget proposals for 2022/23 – 2025/26 with the Committee acting as a consultee.

The budget proposals involving children, adults and health, were scrutinised by the Children and Young People Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee respectively, and the Chairs of those committees provided feedback on their views at the January meeting for inclusion in the scrutiny committees' response to the budget consultation.

The committees' expressed concern that the consultation was presented in such a way that citizens affected by the proposals were unaware of the impact of the proposals and, therefore, were not able to engage in the consultation, and that there had been a focus on online engagement and response, even though lack of digital access was recognised to impact large numbers of the City's citizens.

Assurance was sought that more effort would be made to highlight local impact and implications of the proposals, and that adequate funding would be available to appropriately resource the delivery of statutory services.

### **Future Work**

Towards the end of 2021/22, the Committee had several informal discussions about its work programme and the focus it wanted to apply to its scrutiny in 2022/23. It recognised the importance of continuing its key role in scrutinising the Council's recovery and improvement through its mandate to hold decision makers to account and as the body which provides the checks and balances that ensure that the decisions that are made reflect the needs of the people of Nottingham.

Based on this decision, the Committee identified a number of areas for inclusion in its work programme for 2022/23, but also agreed to develop its work programme flexibly throughout the year, to enable timely and appropriate scrutiny of recovery and improvement. Areas already agreed for scrutiny in 2022/23 include:

- bi-monthly updates from the Leader on Together for Nottingham Plan progress
- exploration of the impact and management of Anti-Social Behaviour with the Crime and Drugs Partnership
- focused scrutiny of the Council's Medium Term Financial Strategy and Plan and budget planning for 2023/24
- pre-decision scrutiny on Selective Licensing Scheme 2, Libraries Transformation and the Municipal Waste Strategy
- pre-policy scrutiny on the Public Sculpture Policy and the Community Asset Policy
- Council Plan progress monitoring

## **Children and Young People Scrutiny Committee**

The Children and Young People Scrutiny Committee exists to facilitate the scrutiny of issues and services relevant to the wellbeing and safeguarding of children and young people in Nottingham. Throughout 2021/22, the Committee was well attended by a range of senior managers, Executive Portfolio Holders, frontline service providers and partner organisations. Below are some examples of the work carried out by the Committee during the year.

### **Improvement and Recovery**

In the previous year, the Committee had been concerned about the impact on children and young people of the Council's challenging financial position and the need for the organisation to focus on actions contained within the Council's Recovery and Improvement Plan. During 2021/22 the Committee continued to focus on the impact of this on children and young people in the City; and also action taken by the Service to minimise the impact of increasing demands for children in care, both in terms of numbers and complexity, and rising costs of care on the financial position of the Council as a whole. The Committee sought assurance that there is full understanding of the pressures in relation to Children's Integrated Services given that the forecast budget variance was so volatile during the year, and was concerned about whether there could be full confidence in the ability to assess pressures and forecast. This will be an area of exploration in the year ahead.

The Committee supported the prioritisation of statutory services and meeting statutory responsibilities in the refreshed Strategic Council Plan and Medium Term Financial (MTFP), but was concerned that about the risks to the Council's ability to do this in the medium-longer term in light of decisions to close children's centres and make changes to play and youth services. Based on the information presented to it at various points throughout the year, the Committee felt that such reductions in

early intervention were likely to further increase demand for statutory services, which the Council is already struggling to meet at current levels. The Committee recognised the potential of transformation to address this and progress of the transformation programme will be a key component of the Committee's work programme for 2022/23 both in terms of its contribution to the delivery of financial savings contained within the MTFP and improving the efficiency and effectiveness of services and ultimately improving outcomes for children, young people and families. During 2022/23 the Committee will also be holding decision makers to account for the delivery of agreed budget savings and monitoring the impact of those changes. For example, in the course of its work, the Committee has considered a range of evidence about the interplay between permanent exclusion from school and support from play and youth services for young people on the edge of being excluded, or who have been excluded from school. Reducing school exclusion is a priority within the Strategic Council Plan because of the impact that it has on outcomes for a young person who is excluded and this will be one of the areas that the Committee will be exploring.

In July 2021, the Committee followed up work from previous years reviewing implementation of the recommendations and action plan arising from the Independent Inquiry into Child Sexual Exploitation. The Committee concluded that, based on the information available to it at this and previous meetings, it was satisfied that the Council has learnt lessons from the Inquiry and built that learning, and outstanding issues from the action plan into core practice and the Service's wider improvement plan. In September 2021, the Committee looked at progress in implementing that wider improvement plan and received assurance from the Portfolio Holder for Children and Young People that the Service was on the right track in making improvements despite the challenges of dealing with the Covid pandemic and changes in senior leadership. The Committee welcomed the increased stability in staffing stability and capacity, although remained concerned about high caseloads for some social workers, inconsistency in core social work practice and the associated issues raised by Ofsted in their focused visit, who noted improvements but voiced concerns about the significant amount of improvement still required.

### **School Exclusions**

Although it is not an issue that the Council has direct control over, reducing school exclusions is a priority within the Council's Strategic Plan. Therefore, the Committee spent some time this year looking at how the Council is working with schools, and other partners to reduce exclusions and, when exclusions do happen, try to minimise the impact on that child.

In May 2021, the Committee heard about the Council's work with schools to reduce the number of permanent exclusions from primary school and the support available to families and children when a child is excluded. The Committee was pleased to note that the rate of permanent exclusions from primary schools in the City is below that of statistical neighbours and that, despite the disruption to children's lives, there hadn't been a spike in exclusions following the return to face-to-face schooling after the Covid pandemic. The Committee was also pleased that no child with an

Education and Health Care Plan had been excluded from primary school in the last three years despite this being a significant factor nationally. The Committee welcomed the work taking place through Routes to Inclusion, the Fair Access Protocol and via the Intensive Support Team operating in primary schools to avoid permanent exclusions happening where possible. For those children who are excluded in spite of this, the Committee recommended that the Council produce guidance for their parents/ carers advising them of their, the school and the local authority's responsibilities in relation to their child's education and signpost further sources of support and advice. This recommendation was accepted for implementation by September 2021.

In November 2021, the Committee took a focused look at permanent exclusions from secondary schools and spoke with representatives of the following local Trusts about their approach: Djanogly Learning Trust, Archway Learning Trust and Raleigh Learning Trust. The Committee also heard from the Regional Schools Commissioner about her role in monitoring and challenging academy trusts, including intervening with under-performing trusts. She welcomed the positive partnerships between schools, multi-agency trusts (MATs) and the Council and noted the impact that positive engagement from MATs has on reducing the levels of permanent exclusions. As a result of the discussion, she offered to support in engaging those MATs operating in the City not already involved with the Inclusion Strategy.

As part of the discussion at this meeting, the Committee heard from Academy Trusts about delays in access to child and adolescent mental health services (CAMHS) and the lack of mental health support in schools. Through their relationships with vulnerable young people, youth workers have played a role in filling this gap and the Committee was concerned about the impact of reducing youth work capacity, and has referred the issue of delays in accessing CAMHS to the Health and Adult Social Care Scrutiny Committee for consideration.

### **Early Years Entitlement**

Ensuring that at least 75% of eligible 2 year olds access free nursery provision is a commitment within the Council's Strategic Plan, in order to support early years development and help children achieve their potential by ensuring children are ready for school when they start. As a stated priority for the Council, the Committee carried out focused scrutiny of the progress towards achieving this. In the previous year, the Portfolio Holder for Children and Young People had reported progress as 'amber' and there were anecdotal reports about the impact of Covid-19 on the sustainability of early years providers and the willingness of parents to take up places in a context of already low take-up prior to the pandemic. The Committee was pleased to hear that there are sufficient childcare places available across all age groups in the City and that the quality of childcare is high with 99% of nurseries and 95% of childminders rated as 'good' or 'outstanding' by Ofsted. However, the Committee remained concerned about the take-up of these places and recommended that Service do more to tailor promotion of access to free childcare and the availability of childcare in local communities by providing information about



the entitlement and the availability of local childcare to ward councillors and Neighbourhood Development Officers; engaging with Neighbourhood Development Officers to identify appropriate local events at which availability of local childcare can be promoted; and engaging with housing associations across the City, not just Nottingham City Homes, to promote the availability of local childcare provision.

### **Provision for Children and Young People with Special Education Needs and Disabilities**

An inspection by the Care Quality Commission and Ofsted of how well the City carries out its statutory duties in relation to children and young people with special educational needs and disabilities (SEND) took place in November 2021. The inspection did not identify any significant weaknesses requiring a Written Statement of Action but did identify some areas for development. In January 2022, the Committee reviewed how the Council and its partners were responding to this by hearing from representatives of the Council and Nottingham and Nottinghamshire Clinical Commissioning Group (CCG). The Committee welcomed the largely positive findings of the inspection and the planning taking place at that time to address areas identified for improvement. The Committee was particularly interested in the work to communicate with, and engage parents and families, both in terms of the services hearing, and understanding their issues and challenges; and ensuring parents know what services are available and how to access them. Both the Council and the CCG acknowledged that communication about the support available needs to improve particularly in areas of high deprivation, for people who speak English as an additional language and for people who experience digital poverty. It was suggested that schools and local councillors could assist in achieving this. The Committee welcomed the proposed development of a local area communications strategy to improve co-production and ensure that children and young people with SEND and their families have clear, up-to-date relevant information in a way that meets their needs, and it was decided to review progress in improving communications as part of the Committee's 2022/23 work programme.

### **Future Work**

The Committee has identified a number of areas for inclusion in its work programme for 2022/23, including:

- Continued monitoring of progress in the delivery of improvement and recovery actions during 2022/23, including transformation of children's services and delivery of agreed budget savings. In particular, the Committee has decided to focus on changes to children's centres and play and youth services.
- Focused scrutiny of work to improve Children's Integrated Services with an emphasis on the outcomes of the anticipated Ofsted inspection of children's services and the action taken to address any arising issues, and transformation of children's services.
- Progress on outstanding actions from the HMIP Inspection of Youth Justice Services in 2020 including focused scrutiny of work with young people from black and ethnic minority communities, ensuring that the voice of young people is

heard and used to inform service delivery and the approach towards victims and the potential development of a restorative justice approach.

- Delivery of the action plan to implement recommendations from the review of SEND with a focus on work to improve communications and engagement with parents and families.
- How well the Safeguarding Children Partnership is carrying out its functions in co-ordinating safeguarding arrangements, identifying and responding to the needs of children in the City, commissioning and publishing reviews and providing scrutiny of the effectiveness of arrangements. The Committee intends to invite representatives of statutory partners, Nottinghamshire Police and Nottingham and Nottinghamshire Integrated Care Board, and the Independent Scrutineer to a meeting to discuss how current partnership arrangements are working, a couple of years after their introduction.

## **Health and Adult Social Care Scrutiny Committee**

The review of the Council's scrutiny arrangements by the Centre for Governance and Scrutiny in 2021 recommended that scrutiny work programmes have a greater focus on the organisation's corporate recovery with emphasis on finance, the improvement plan and service transformation. It also recommended that there should be a greater focus on adult social care. This has always been within the remit of the Health Scrutiny Committee but, in order to give it greater prominence, the name of the Committee was changed to the Health and Adult Social Care Scrutiny Committee. A programme of regular informal meetings between the Chair and Vice Chair of the Committee and the Portfolio Holder for Adults and Health and Director for Adult Health and Social Care and Director for Public Health commenced to share information, discuss current and forthcoming issues and challenges and where scrutiny could add value to decision making in relation to those issues. As a result, there was a greater focus on issues relating to adult social care during 2021/22, for example examining progress of the adult social care transformation programme, workforce development and services for adults with learning disabilities. The Committee also sought input from the Portfolio Holder and Director to inform its understanding of the adult social care perspective on health issues that it scrutinised.

Alongside this, the Committee continued to carry out the Council's statutory role to review and scrutinise the planning and delivery of local health services with the aim of helping to improve the health and wellbeing of local people. The role includes:

- strengthening the voice of local people in decision making, through democratically elected councillors, to ensure that their needs and experiences are considered as part of the commissioning and delivery of health services;
- taking a strategic overview of the integration of health, including public health, and social care;
- proactively seeking information about the performance of local health services and challenging and testing information provided to it by health service commissioners and providers; and

- being part of the accountability of the whole health system and engaging with the commissioners and providers of health services and other relevant partners such as the Care Quality Commission and Healthwatch.

In addition to the broad powers held by all overview and scrutiny committees, committees carrying out health scrutiny hold additional powers and rights to require information and attendance at meetings from organisations that commission and provide NHS and public health funded services; and to make reports and recommendations to those organisations and expect a response. Health scrutiny committees also have a statutory role to consider proposals to substantially develop or vary health services to ensure that the views of patients and the public have been taken into account when making significant changes, as well as ensuring that such changes are in the best interests of local health services.

The Committee engaged with a broad range of health and social care issues during the course of the year with input from a range of councillors, senior officers, NHS commissioners, NHS providers, Healthwatch Nottingham and Nottinghamshire, voluntary and community sector providers and interested local stakeholders and citizens. Below are some examples of that work and how it contributed to improving health and social care services for the people of Nottingham.

### **Recovery and Improvement**

Throughout the year, the Committee heard about increasing demands for adult social care, both in terms of numbers of people needing care and the complexity of their need; and the impact of this on pressures within the Council's Medium Term Financial Plan. There are pressures from both increasing demand and the increasing cost per unit of care. Conscious of the impact of decisions in previous years to, for example, freeze job vacancies in order to make financial savings on waiting times for assessment and care, the Committee has been supportive of the transformation of services to different models of delivery as a way of addressing these challenges. The Committee welcomed that transformation is building on the existing Better Lives Better Outcomes Strategy. The Committee was also pleased to note there no further staffing cuts were proposed for adult social care and there was an intention to put capacity back into the service to meet longer term pressures. The Committee is keen that staff within the service are able to engage with, and lead transformation rather than it being 'done to them' by external consultants and commented to the Portfolio Holder for Adults and Health and Director of Adult Health and Care about the importance of internal capacity to facilitate this. At the same time the Committee is acutely aware of workforce challenges facing adult social care teams within the Council, and in other social care and health providers in the City and beyond.

In January 2022, the Committee looked in detail at the workforce and organisational development aspects of transformation and the development of an Adult Social Care Workforce and Organisational Development Plan, which is a priority within the Council's recovery and improvement activity. Proposals for the Strategy came to the Committee at a relatively early stage providing opportunity to influence the approach. The Portfolio Holder for Adults and Health assured the Committee that, while

attracting and retaining staff is a challenging and long term issue, she was confident that the work to address workforce issues was going in the right direction. The Committee heard that the intended timescale for the Strategy is three years and the Committee will be reviewing the implementation of the Strategy during the forthcoming year.

In addition to engaging staff, which the Committee has welcomed the Director's emphasis on, the Committee also discussed with the Portfolio Holder and Director the importance of engagement and co-production with service users. As part of these discussions, Healthwatch Nottingham and Nottinghamshire offered to support with listening to service users and carers.

## **Maternity Services**

In December 2020 the Care Quality Commission (CQC) published a report which re-rated Nottingham University Hospitals Trust (NUH) maternity services from Requires Improvement to Inadequate, along with the issuing of a warning notice. The Committee spoke to the Trust about this in January and July 2021. The Committee raised particular concerns about how women are listened to and involved in decisions about their care and when things go wrong; the Service's processes for hearing about when things don't go well, such as complaints and the confidence of staff to speak up when they have concerns and the extent to which learning takes place as a result; and care for women from ethnic minority groups, particularly those who require translation services, as an inability to communicate with professionals providing care can affect a woman's engagement in decisions about her care and ability to raise issues or concerns. The Committee was also concerned about the significant number of Serious Incidents still being reported. The Committee heard about the intention of NHS England and Nottingham and Nottinghamshire Clinical Commissioning Group (CCG) to jointly establish an independent thematic review into maternity services. The Committee was supportive of the principle of establishing an independent review and, on behalf of the Committee, the Chair engaged with the CCG on the scoping and development of the terms of reference for the review to ensure that it was truly independent, would engage appropriately with families and service users and that the findings and recommendations would be made public.

In September 2021, the CQC published a report of an inspection it carried out into how well the Trust is led, alongside some specific service areas in July. Following this inspection, the Trust was issued with a Section 29a warning notice under the Health and Social Care Act 2008 and rated as 'Requires Improvement', with an Inadequate rating in relation to whether services are well-led. Some of the failings identified by the CQC in relation to maternity services were also reflected in its findings of how well the Trust as a whole was being led.

During the course of the year the Committee took steps to try to understand the circumstances, encourage and support improvement and publicly hold the Trust to account for the quality and safety of the services that it was providing, particularly in relation to maternity services but aware that the failings identified by the CQC with regards to how the organisation was led would be impacting on the range of services provided by the Trust. Throughout this the Committee has been happy to

acknowledge that, while the CQC identified serious concerns with maternity services, it rated the quality of care provided by staff as 'Outstanding'.

Information and evidence has been gathered by the Committee in a range of ways including:

- Speaking to, and considering information from the Trust, this has included:
  - The Trust's Medical Director, Chief Operating Officer and Acting Chief Nurse, at that time, attending a meeting of the Committee in January 2021 to discuss the CQC's findings in relation to maternity services and actions being taken by the Trust to address identified failings.
  - The Trust's Chief Nurse and Director of Midwifery attending a meeting of the Committee in July 2021 to report on progress.
  - The Trust's Interim Chief Executive, Chief Nurse and Director of Midwifery attending a meeting of the Committee in November 2021 to discuss the CQC's findings in relation to how the organisation is being led and actions being taken by the Trust to address identified failings.
  - The Trust's Interim Chief Executive, Medical Director, Director of Communications and Engagement and Chief People Officer attending a meeting of the Committee in January 2022 to report on progress, with a particular focus on how the organisation is being led and cultural issues.
  - The Trust's Chief Nurse and Director of Midwifery attending a meeting of the Committee in February 2022 to report progress in improving maternity services.
- Considering lived experience of a range of parties, through:
  - Consideration of written information from the Nottingham and Nottinghamshire Maternity Voices Partnership (a group that aims to improve maternity services by putting the experiences of women and their families at the centre).
  - Consideration of information provided by Healthwatch Nottingham and Nottinghamshire.
  - An informal meeting with a parent whose child had died whilst in the care of NUH's maternity services to hear their perspective.
- Speaking to, and considering written information from Nottingham and Nottinghamshire Clinical Commissioning Group.
- Speaking to the NHS England Regional Medical Director for the Midlands.
- Speaking to representatives of trade unions representing employees of the Trust.
- Speaking to and considering written information from the Programme Director and Clinical Lead for Midwifery of the Independent Thematic Review of Nottingham University Hospitals Maternity Services.

Based on the information and evidence available to it over a number of months, the Committee was concerned that the Trust had been unable to demonstrate necessary improvement was taking place at sufficient pace to provide the Committee and, most

importantly, citizens with assurance on the safety and quality of services provided. The Committee felt that the situation was causing significant anxiety for the public and service users.

The Committee concluded that the scale of the issues, and the lack of evidence and assurance to it from the Trust regarding its improvement, meant that the issues needing escalating to the Secretary of State for Health and Social Care and the CQC. One of the Committee's concerns related to the need for high quality, credible leadership to drive improvement in the Trust. In February 2022 a new Trust Board Chair was appointed and the Chair met with him to discuss his role and priorities going forward and he has since attended a formal Committee meeting to discuss maternity services. A new Chief Executive for the Trust has recently been appointed and the Committee looks forward to speaking with him when he starts in autumn 2022.

In March 2022 the CQC carried out a further inspection of maternity services. Initial feedback was reported to the Trust Board in March and, while positive aspects were noted, areas of concern were identified and the CQC issued a warning notice in relation to the care women receive within triage services and how they are monitored while admitted. Around this time, the Independent Thematic Review was ended and a new review established to be led by Donna Ockenden.

During this period the Committee has sought to work constructively as part of the wider system of accountability to raise and maintain the profile of the need to improve the safety and quality of care in maternity services in Nottingham. This has resulted in significant local and regional focus, consideration of the issues at a national level and a nationally-established review which is ongoing. The quality and safety of maternity care will continue to be a priority issue within the Committee in future years, including the improvement action being taken by NUH both in response to CQC recommendations and internally driven, the findings and recommendations of the independent review and how the system as a whole is supporting improvement.

### **Changes to health services**

Health scrutiny committees have a statutory role to consider proposals to substantially develop or vary health services to ensure that the views of patients and the public have been taken into account when making significant changes, as well as ensuring that such changes are in the best interests of local health services. During 2021/22 the Committee considered proposals relating to acute stroke services and neonatal services, both provided by Nottingham University Hospitals NHS Trust.

The Committee heard that there were currently neonatal cots at both the Queens Medical Centre (QMC) and City Hospital campuses of Nottingham University Hospital Trust, co-located with maternity units on those sites. In order to meet demand there was a need to increase the number of cots. The CCG presented a proposal to increase the expand neonatal intensive care at QMC from 17 to 38 cots and realign neonatal care between QMC and City Hospital. The Committee was informed this would help reduce the number of transfers between sites which

currently happen because there are no other children's inpatient services at City Hospital and limited access to specialised radiology. The Committee considered the national context and local case for change and anticipated impact on family and patient experience and proposals for targeted engagement on the change. The Committee concluded that, based on the information available, it did not have any concerns either about the proposals or arrangements for engagement on the proposals. The final stages of targeted engagement on this are now currently taking place.

Temporary changes to the configuration of acute stroke services were made in July 2020 to support response to the Covid-19 pandemic. To create additional admission assessment capacity on the City Hospital campus, hyper acute stroke services were brought together on the QMC site with the Hyper Acute Stroke Unit and Acute Stroke Ward moved from the City Hospital. The Committee was informed that this reconfiguration was being considered pre-pandemic based on analysis that it would be clinically beneficial and aligned with national and regional plans for stroke services. The move was accelerated on a temporary basis as part of the response to the pandemic and retained as analysis showed that the change had been beneficial, and work was taking place to look at making the change permanent. The Committee did not raise any concerns about the principles of the change but recommended that targeted engagement was carried out with those affected by the change to inform the final decision. This is currently taking place with findings due to be reported back to the Committee.

At various points during the year, the Committee considered the ongoing development of the Tomorrow's NUH programme, which is part of the Government's New Hospital Programme and includes proposals for emergency care, family care, elective care and cancer care services. The CCG is in the process of developing a Pre Consultation Business Case and the Committee wanted to ensure that the public were appropriately engaged and involved in the process. The Committee recommended that the CCG did more to ensure that engagement reaches those in typically harder to reach groups including making information available in alternative languages and considering how information is communicated to, and feedback received from those with lower literacy skills. As an example of how it responded to this, the CCG advised that the second phase of pre-consultation engagement survey was made available in the 10 most commonly used languages in the local area and circulated to groups with connections to particular local communities, such as the St Anns and Meadows Advice Centres and that the intention is to enhance this for the full public consultation. The Committee also recommended that engagement took place with NUH staff and trade unions about the proposals to seek their views and assess impact. The proposals are likely to involve a number of substantial developments and variations to health services and the Committee's engagement with this issue was also part of the CCG's duty to consult the Committee on such changes. In terms of the development of detailed service proposals, the Committee recommended that proposals for the women and children's hospital take into account the needs of trans and non-binary individuals so that they are able to access services; and that consideration is given to how the needs of those who attend the

Emergency Department in mental health crisis (which is an issue that the Committee looked at in-depth during 2020/21) can best be met. The CCG responded that it would take both of these issues on board in the development of proposals. As the areas with lowest levels of public support in the pre-consultation engagement that has taken place, the Committee will now be focusing on the specific proposals in relation to family care and outpatient care.

## **Mental health**

The Committee has a keen interest in access to mental health services and, after discussing the Nottinghamshire Healthcare Trust's Strategy with its Chief Executive and Director of Mental Health and Learning Disabilities in May 2021, the Committee identified two services that it wanted to look at access to in more detail: Step 4 Psychological Therapies and Adult Eating Disorders. The Committee explored both of these issues in the context of the Severe Mental Health Transformation Programme, which it received a separate in-depth briefing on.

In May, the Committee had been informed that Step 4 Psychotherapy and Psychological Therapies had been particularly disrupted by the Covid pandemic as some therapies could not be delivered virtually and this had resulted in patients commonly waiting in excess of six months for treatment. The Committee was concerned about this length of wait and was informed that anyone waiting over six months would have a further review which would look at other options while they are waiting e.g. online cognitive behavioural therapy. The Committee wanted assurance that support offered during a waiting period would not delay the referral for specialist psychological support nor result in the individual being removed from the waiting list. In September the Committee spoke with the Trust's Director of Mental Health and Learning Disabilities and a Clinical Psychologist from the Step 4 Service about work taking place to improve access. They informed the Committee that, at that time, the average waiting time for treatment was 10.5 months, compared with 9 months in 2019 and a target of 26 weeks although some of the longer waits were for elective reasons. The waiting list was being managed through additional recruitment and regular updates to patients, and plans were to extend the waiting list recovery plan into 2022, increase the frequency of group intervention programmes and ensure patients are 'therapy ready' before accessing Step 4 treatment. The Trust assured the Committee that support is offered to individuals while on the waiting list with phone contact after three months to assess whether needs have changed and a face to face review offered at six months; and if an individual accesses lower levels of care while on the waiting list they will not be removed from the waiting list for the Step 4 service. The Trust acknowledged that staffing shortages had contributed to longer than ideal waiting times and said that agency and non-agency staff were being recruited to address this while permanent experienced staff were recruited. While remaining concerned about the current length of wait, the Committee welcomed the actions being taken by the Trust and, noting that the Trust had said that waiting times should be significantly improved by summer 2022, decided to review the position again at that point. The Trust has since reported that in response to scrutiny from the Committee all patients waiting over 26 weeks were reviewed. A small number were discharged and all patients who had elected to wait until face-to-



face services resumed are now in therapy and all those who elected to wait for other reasons are also now in therapy. Communication has also taken place with Local Mental Health Teams to clarify referral pathways and highlight that Step 4 is best indicated when a patient is 'therapy ready'.

Following issues raised by service users, the Committee wanted to explore access to the adult eating disorder service provided by Nottinghamshire Healthcare Trust, in particular whether Body Mass Index (BMI) is used as a threshold for treatment. In October 2021, the Committee spoke with the Trust Chief Executive and Eating Disorders Service Manager about access to the service. The Committee heard that, for Nottinghamshire, there had been an increase in referrals into the service from 307 in 2019 to an anticipated 445 by the end of 2021; and that the average waiting time for an assessment was 37 days and 43 days for treatment. The Covid pandemic had resulted in an increase in referrals alongside higher levels of staff sickness and a reduction in face-to-face meetings which mean that waiting times increased. The Committee welcomed plans to increase the Team by 6.2WTE over the next six months, with additional expansion of the Child Eating Disorder Team and recruitment of a transition worker to operate between the child and adult service; and ambitions for self-referral into the service (as already happens for the child service) once resource is in place. In response to questions from the Committee, the Trust stated that BMI is not used as a factor for acceptance to the service and a broader range of measures are used, and they would look into the specific case cited. The Trust advised that it is working with commissioners on the future vision for the service after transformation, which it is anticipated will be implemented within the next year. The Committee welcomed the Trust's plans to improve access and will be reviewing progress on this in the forthcoming year. In addition to looking at referral processes and waiting times, the Committee will also be interested in work to explore why there are relatively low numbers of patients from ethnic groups other than White British, and to improve the representativeness of the team to the population it serves.

### **Future work**

Looking ahead to 2022/23, the Committee will continue its focus on the Council's recovery and improvement activity including the progression of the transformation of adult social care services and how the Council is addressing its financial challenges in so far as they relate to adult social care and public health. The Committee will be regularly reviewing progress of the overall transformation programme for adult social care and looking in detail at specific projects including support for independent living and workforce and organisational development. The Committee will also be interested in how the service is preparing for national changes, including to the regulatory regime.

From 1 July 2022 new NHS structures will come into existence. CCGs will be replaced by Integrated Care Boards (ICB) and Integrated Care Partnerships (ICP). Committee members will be briefed on these changes to support robust scrutiny of the commissioning and delivery of health services going forward, and health scrutiny will need to find its place within this new framework. This will benefit from the constructive working relationships that have been built with officers currently working

for the CCG who will transfer to the ICB. The Committee intends to explore the ICP's approach to equalities and seek to ensure that the necessary public engagement in development of the Integrated Care Strategy and ICB Forward Plan takes place.

The Committee continues to be interested in the provision of maternity services in the City, particularly given the findings of the most recent Care Quality Commission inspection which continues to highlight concerns, and intends to shift focus slightly to explore how the system as a whole is responding to, and supporting improvement. The Committee has invited representatives of the NHS England Regional Team and Nottingham and Nottinghamshire ICB to a meeting to discuss this.

Concerns have been raised with the Committee about the triaging of referrals, and access to neurology services provided by NUH; and difficulties in accessing dental services in the City including the Community Dental Service. Following initial investigation, these have both been included within the Committee's work programme for the year ahead.

## **Looking ahead**

Across the scrutiny function, the major focus for 2022/23 will be to continue the scrutiny improvement activity already underway to ensure that improvement is sustained and embedded. All three scrutiny committees have taken a robust approach to planning their work programmes for the year ahead, ensuring that they continue to have a strong focus on the Council's recovery and improvement. This was supported by a training session on work programming delivered by the Centre for Governance and Scrutiny. With the benefit of regular insight from the Council's leadership and other relevant stakeholders, the work programmes will be reviewed at each meeting of the respective committee to ensure that they remain relevant and have potential to add value. A suite of training on overview and scrutiny knowledge and skills is planned for the early part of the year. This training covers core scrutiny skills, work programming and financial and budget scrutiny. While this training is targeted towards scrutiny councillors, it will be relevant to all councillors and open to everyone to attend. The Scrutiny Chairs, Executive Councillors and Scrutiny Officers also benefit from bespoke training and mentoring. During the course of the year, work will take place to identify the learning and development required for new councillors following local elections in May 2023. Progress against the Scrutiny Improvement Action Plan will continue to be closely monitored by the Overview and Scrutiny Committee.

By 1 April 2023 Nottingham City Homes will have been brought back into direct control by the Council and this function will need to be incorporated within the Council's scrutiny arrangements. Therefore, during 2022/23 a review of the structural arrangements for undertaking overview and scrutiny will be carried out to identify the most appropriate arrangement of committees for undertaking the function, including scrutiny of housing management, going forward. Another change affecting role of scrutiny committees that will be looked at is the transition to the Secretary of State for Health and Social Care's new powers in relation to the

reconfiguration of health services. As Government guidance is published, future ways of working locally will be explored with Integrated Care Board colleagues.

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