



## OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 14 July 2014 at 7.00 pm at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

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- PRESENT:**
- Councillor Gavin Edwards (Chair)
  - Councillor Anood Al-Samerai
  - Councillor Jasmine Ali
  - Councillor Catherine Dale
  - Councillor Karl Eastham
  - Councillor Tom Flynn
  - Councillor Claire Maugham
  - Councillor David Noakes
  - Councillor Adele Morris
  - Councillor Johnson Situ
  - Councillor Bill Williams
  - George Ogbonna
- EDUCATION REPRESENTATIVES:**
- George Ogbonna, Parent Governor Representative
- OTHER MEMBERS PRESENT:**
- Councillor Richard Livingstone, Cabinet Member for Housing
- ALSO PRESENT:**
- Mr Mick Barnard, Member of the Public
- OFFICER SUPPORT:**
- Zoe Bulmer, Customer Resolution Manager
  - Shelley Burke, Head of Overview & Scrutiny
  - Andrew Brown, Head of Regeneration - Capital Projects
  - Norman Coombe, Legal Services
  - Kerry Crichlow, Director Strategy & Commissioning, Children's & Adults' Services
  - David Markham, Head of Major Works
  - Ferenc Morath, Investment Manager, Housing & Community Services
  - Gerri Scott, Strategic Director of Housing and Community Services
  - Richard Selley, Head of Customer Experience
  - Peter Roberts, Scrutiny Project Manager

## **1. APOLOGIES**

- 1.1 Apologies for absence were received from the vice-chair, Councillor Rosie Shimell, and from Councillor Rebecca Lury, and for lateness from Councillor Anood Al-Samerai. Councillors David Noakes and Bill Williams attended as reserves.

## **2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

- 2.1 There were no urgent items of business.

## **3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

- 3.1 The chair, Councillor Gavin Edwards, declared an interest in item 4 on the school places strategy, as he had two pre-school children. Councillor Jasmine Ali declared a similar interest as she had two children. Councillor Claire Maugham and Mr George Ogbona declared interests as chairs of governors and having children. Councillor Bill Williams declared an interest as a school governor.

## **4. MINUTES**

- 4.1 Councillor Adele Morris moved corrections to the minutes as follows:
- paragraph 6.2, to show that Councillor Morris had emphasised the importance of putting interview dates in the diaries of cabinet members as soon as possible
  - paragraph 6.5, to show that Councillor Morris had raised the concern about availability of land
- 4.2 Councillor Claire Maugham asked for paragraph 6.4 to include a question she had raised about how to engage with TMOs in the delivery of new homes. Officers had outlined their commitment to this.

### **RESOLVED:**

That, subject to the above amendments, the minutes of the meeting held on 25 June 2014 be agreed as a correct record.

## **5. MANAGEMENT OF COMPLEX COMPLAINTS**

- 5.1 The Customer Resolution Manager, Zoe Bulmer, introduced the report.
- 5.2 Councillor David Noakes sought assurance that a council decision not to escalate a complaint did not prevent a complainant applying to the Local Government Ombudsman. The Customer Resolution Manager confirmed that this option remained open to the complainant and that on occasion the council advised complainants to take this route as the council's decision was unlikely to change.

The chair, Councillor Gavin Edwards, asked the grounds on which a decision might be changed. The Customer Resolution Manager indicated that it would be possible to provide statistics on how often a decision was changed. She explained that often a complaint required action, for instance completion of a repair, and the focus in such cases was on resolution. In other cases, such as planning applications, the council needed to demonstrate that a particular process had been correctly followed.

- 5.3 Councillor Noakes also questioned whether the target for responding to stage 1 and stage 2 of the complaints process was always met. The Customer Resolution Manager clarified the deadlines and confirmed that the deadline for stage 2 was almost always met. In the case of stage 1, it was sometimes preferable to go beyond the deadline in order to allow time for a complaint to be resolved. The Customer Resolution Manager also reported that the response times to Members' Enquiries had also improved with 99% of repairs responses meeting the ten day deadline in the last quarter.
- 5.4 Councillor Johnson Situ asked how complaints which related to several services were dealt with. The Customer Resolution Manager replied that, if a complaint was complex and involved different departments, the council would tell the complainant that the response might take longer. She explained that in these cases the council would often acknowledge the complaint by telephone and explain the process to the complainant. There was also the option to log the complaint as two separate complaints. Councillor Claire Maugham wondered what the council was doing to assess residents' experience of the complaints process. The Customer Resolution Manager stressed that this was a priority. One aim was to put the customer satisfaction process online. It would then be possible to provide a link to an online survey in the letter which outlined the council's response to the complaint. The Head of Customer Experience, Richard Selley, added that customer services and the contact centre were looking for opportunities to intervene as soon as possible and to resolve issues before they became formal complaints.
- 5.5 Councillor Tom Flynn highlighted paragraph 32 of the report. He wondered whether the number of complaints from the public went down because members were picking up and pursuing complaints on behalf of their constituents. He particularly wondered if this was the case where residents were not confident to complain directly to the council. The Customer Resolution Manager suggested that, where complaints had increased across services in the run-up to an election, this might suggest that party campaigning encouraged residents to think about the services they received. It was important to ensure that residents knew how to raise concerns. The Head of Customer Experience emphasised that not all members' enquiries related to complaints.
- 5.6 Councillor Jasmine Ali questioned how good the council was at communicating about its services with the recipients of social care. The Customer Resolution Manager reported that her team managed the adults' and children's services complaints process. Her team had brought experience and expertise to help people understand how complaints could be made. Specifically, they had reviewed leaflets and publicity and renewed the website.

- 5.7 Councillor Adele Morris acknowledged the improvement in housing repairs, particularly where jobs were no longer being closed before they had been complete to tenants' satisfaction. She asked how this had been achieved. The Customer Resolution Manager stressed the importance of learning from complaints. Housing repairs were a key issue where the council had been keen to learn from complaints and to make improvements. The customer satisfaction survey was vital and issues had been raised directly with contractors. The Head of Customer Experience added that he would expect jobs to be closed only when the customer confirmed that they were completed. If an email address had been provided by the tenants then the customer satisfaction survey was sent to them direct. In addition, a proportion of customers received a telephone call inviting their comments.
- 5.8 The chair invited Mr Mick Barnard, a member of the public who had prompted the committee's discussion of how the council addressed complex complaints, to make any comments. Mr Barnard was concerned that the issues had been over-simplified. His complaint had stretched over five years and he had been designated a habitual complainant twice. At times officers had appeared to be in conflict over how his complaint should be processed. The chair asked whether there was one thing Mr Barnard would like to change about the process. Mr Barnard stated that people needed to know what the process was.
- 5.9 The chair was interested in what purchase the complaints team had on officers in other departments, in terms of being able to dig into particular issues. The Head of Customer Experience explained that the team provided its expertise to other departments and co-ordinated responses to complaints. It also published details of the departments' speed of response to complaints and this information was available to senior officers. The Head of Customer Experience added that the team had a greater role within the housing department. The chair of the committee also asked to what extent the information provided by the complaints team contributed to policy making. The Customer Resolution Manager responded that the work of the team helped to identify failings and challenges. It might identify an absence of policy or help to make improvements to existing policy.
- 5.10 Councillor David Noakes asked whether complainants were given a timescale for the redress of complaints, for instance in terms of works being followed up and completed, and whether monitoring took place to ensure that this work was done. The Customer Resolution Manager confirmed that, depending on the nature of the repair in question, a timescale was provided. If necessary this could be escalated to the attention of senior staff. The Head of Customer Experience stated that a monthly liaison meeting took place with colleagues in the repairs team, focusing on the oldest of any outstanding complaints. The Customer Resolution Manager added that the complaints team did outreach work with contractors, council officers working in repairs and with the contact centre.
- 5.11 The chair of the committee thanked officers for the briefing. He asked for further information on departmental statistics and how these were used and for figures over time.

## 6. SCHOOL PLACES STRATEGY UPDATE

- 6.1 Andrew Brown, Head of Regeneration Capital Projects, introduced the report and added details from the School Places Strategy Update due to be considered by cabinet the following week. The demand for primary school places would soon outstrip supply in the North of the borough. One proposal to cabinet for the North of the borough was to expand the Phoenix Primary School, following a capacity study of the school's annex site indicating that an additional two forms of entry were possible. Another proposal, subject to the agreement of the governing body, was to expand Keyworth Primary School from one and a half to three forms of entry (the school was already included in the primary schools programme for an additional half form of entry).
- 6.2 In terms of secondary school places, the Head of Regeneration Capital Projects explained that, while there was currently an overall surplus, a further nineteen forms of entry would be required across the borough by September 2019. There were different strands of proposals intended to address this, including the expansion of existing schools and new school initiatives. Four schools had already expressed an interest in expansion and a further invitation had been extended to all secondary schools. The council was talking to St Michael's Catholic College and other schools about developing proposals. An estimated six forms of entry could be expected from this route.
- 6.3 The Head of Regeneration Capital Projects reported that the council was also engaging with the Haberdashers' Aske's Federation and the Charter School Educational Trust, both of which had expressed an interest in establishing new schools on the Dulwich Hospital site. This could achieve a further six forms of entry. To support this, the council was also engaging with NHS Property Services about the hospital site, which would become available in 2017 at the earliest. The council was also looking at the possibility of alternative sites.
- 6.4 The chair, Councillor Gavin Edwards, asked whether applications to establish free schools made it difficult to plan the supply of school places across the borough. The Head of Regeneration Capital Projects replied that it made planning less predictable, adding that the Harris Federation free primary school in Nunhead would offer two forms of entry from 2015 and would have a significant effect. Councillor Johnson Situ asked whether there were transport issues connected with extending existing schools. The Head of Regeneration Capital Projects indicated that these had not been raised as a concern. The Charter Trust was interested in Dulwich Hospital as a site close to its existing school as it allowed them to continue to serve a diverse community in that specific locality. Haberdashers' Federation wanted to establish a clutch of schools in the Southwark/Lewisham area. The Director of Strategy & Commissioning, Kerry Crichlow, agreed that there would be a greater volume of young people travelling and that there was an opportunity to talk to Transport for London about how to manage this.
- 6.5 Councillor Claire Maugham indicated that she was chair of governors of one of the schools included in the capital programme for primary school expansion. She reported that there was a lack of clarity about the budget and whether it included

funding for investment in kitchens and for investment relating to provision for two year olds. The Head of Regeneration Capital Projects responded that a lot of development of budgets was still required. Any current figures should be seen as notional as there were no firm designs as yet and any initial figures had been suggested during the recession and could now be significantly different. The council needed to identify the best way to respond to the need for expansion. The Director of Strategy & Commissioning agreed that a lot more thinking was required around delivering the offer for two year olds and free healthy school meals. The answer would not necessarily mean that all school kitchens would be re-built. The Head of Regeneration Capital Projects added that consultants were being asked to advise on costs including building costs.

- 6.6 Councillor Anood Al-Samerai asked whether there was an ideal size of primary school and an ideal distance for children to travel. She also asked how many forms of entry currently existed at the Phoenix Primary School and its Ofsted rating. The Director of Strategy & Commissioning responded that two miles was considered a sensible distance for primary school children to travel but that there was no generally agreed ideal size. In terms of suitability for expansion, the council would look at a combination of things including whether a school had a strong leadership, its focus on teaching and learning and its Ofsted inspection. 94% of the schools being considered for expansion had received a good or outstanding rating. In terms of Phoenix Primary School, the Head of Regeneration Capital Projects reminded the committee that the school had been included in the long list submitted to Cabinet last July. The school had two forms of entry, was very keen to expand and had a site suitable for development. It had an Ofsted rating of good and improving.
- 6.7 Councillor Karl Eastham asked for further information about the amount of control the council had over free schools, the extent it worked with applications for free schools and whether any schools were interested in opening a free secondary school. The Director of Strategy & Commissioning clarified that free schools were able to apply to open where they wished but that it was in everyone's interest to try and match supply and demand. The council had influence but not a lot of power, the final decision was taken by the Secretary of State. In terms of the Harris free school in Nunhead, the council was looking to help the Federation secure a site and the council had also worked closely with the sponsor of the Belham school.
- 6.8 Councillor David Noakes asked whether a different approach was being taken to primary school places as opposed to secondary, primary schools being extended while new secondary schools were being proposed. The Head of Regeneration Capital Projects emphasised that eighteen additional forms of entry were needed at the secondary level by 2018 and that this could not be achieved by extending existing schools. A new secondary school would provide six forms of entry. The Director of Strategy & Commissioning added that free schools were the only option in terms of establishing new provision and that providers had the same values and ambitions as the council. Councillor Jasmine Ali asked whether free schools and academies were as focussed as the council was on the most disadvantaged children in the borough. The Director of Strategy & Commissioning agreed that it was important to ask this question and to assess the progress of all young people. The council needed to develop different levers in order to bring its influence to bear in this area.

- 6.9 Councillor Adele Morris wondered how the council could work with for example Foundation and Church of England schools to ensure that they reached a level where increasing forms of entry might be considered. The Head of Regeneration Capital Projects explained that capacity studies of the various schools existed. Some diocesan schools were keen to expand but many sites were already tight for space. The council aimed to visit schools and discuss with them the possibility of expansion. The Director of Strategy & Commissioning stressed that the council had a clear idea of schools' performance and aimed to help every school to do its best for all its pupils.
- 6.10 The chair asked for details of the vacancy rates at Harris secondary schools and how these compared with other schools in the borough. The Director of Strategy & Commissioning believed that there were possibly more vacancies than in other schools and agreed to provide details to the committee. She also identified a problem in that small numbers of parents were not choosing particular schools and that this needed to be addressed. The chair agreed that there appeared to be a reputational lag in respect of some schools where, despite good performance, parents were not choosing them for their children. He wondered what could be done to deal with this issue. The Director of Strategy & Commissioning confirmed that this issue existed at both primary and secondary level. Members could play a part by becoming school governors and by encouraging constituents to visit schools with their children. She also highlighted the practical issue that in the coming year and next there would be a surplus of secondary places. The council would have to support schools through this in view of the subsequent increased demand for places. Some schools might find it difficult to balance their budgets.
- 6.11 The chair asked whether it might be beneficial to draw up a protocol or set of standards for engagement with the council to which head teachers and free schools could be invited to sign up. The Director of Strategy & Commissioning replied that this would be worth considering as a way of schools demonstrating their commitment to the education of all Southwark children.
- 6.12 The chair suggested that the vice-chair and himself meet with officers to gather further information and that this be followed up at a future meeting of the committee to which the cabinet member, parents of a free school and representatives of the Harris federation could be invited.

## **7. DRAPER HOUSE - UPDATE ON SCRUTINY RECOMMENDATIONS**

- 7.1 The Head of Major Works, David Markham, introduced the report. The Cabinet Member for Housing, Councillor Richard Livingstone, apologised to residents for delays in the major works to Draper House and stated that he would be attending the next Tenants' & Residents' Association meeting and its general meeting in September. He also highlighted the independent investigation by Claer Lloyd-Jones into the delivery of the works and that the council would be considering her report. The cabinet member also thanked the committee for its observations which had helped to shape the council's thinking about Draper House. He hoped that the update adequately addressed the committee's earlier recommendations.

- 7.2 Councillor Adele Morris asked the process for consideration of the independent report. She also asked about the extent of communication between the project team and residents, commenting that ward councillors were not adequately informed about work on the Four Squares Estate. Councillor Morris stressed the need to clarify technical information and for a clear schedule of the ongoing works. The Strategic Director Housing & Community Services, Gerri Scott, explained that the independent report would be openly available and communicated widely, including to residents of Draper House. The cabinet and cabinet member for housing would consider its recommendations. The Head of Major Works stated that the council always tried to update ward councillors but agreed that the council needed to get better at communicating technical information to residents. He emphasised however that there was a range of officers that residents could contact for information. Councillor Livingstone added that on projects such as Draper House, the Four Squares and Lakanal House, the use of an independent tenants' friend had proved very useful. Councillor Anood Al-Samerai commented that many residents did not have the time to contact officers or a tenants' friend and that clear and regular communication was essential.
- 7.3 Councillor Tom Flynn referred to the response to the committee's earlier recommendation that all major works contracts should contain termination at will clauses which stated that this would be considered on a case by case basis. He asked whether the possible costs of getting out of contracts was factored in to this. The Head of Major Works clarified that this approach allowed the possibility of imposing such a clause if it was needed. He also explained that the council was moving towards the position of appointing one contractor for one scheme. The Strategic Director added that different types of contract were needed for different types of work but that the current contract arrangements for major works were partnering contracts.
- 7.4 Councillor David Noakes returned to concerns about the quality of the council's communication with residents. He wondered how good practice was embedded in the work of project teams and whether street properties were treated differently to estates. The Head of Major Works replied that street properties were a challenge as they were not always clustered in clear geographical areas but could be scattered over a wide area. The responses to initial consultation on street properties could be quite low and the council was trying to address this. The Strategic Director indicated that the issue of communication was a main theme being explored in the independent investigation. The council needed to look beyond its normal practices at how to involve residents without their needing to, for instance, attend meetings.
- 7.5 Councillor Catherine Dale highlighted the recommendation of the committee's earlier scrutiny review in respect of appointing project management teams. She asked how the council could be confident that the team now in place was effective and was picking up the right issues. The Head of Major Works clarified that an additional manager was now in place to pick up and respond to issues. A clear reporting mechanism was in place that included the design and delivery manager, investment manager and regular meetings with project teams and allowed any training needs to be identified. Councillor Dale also asked for an explanation as to the difference between the issues and complaints logs. The Investment Manager, Ferenc Morath, explained that the complaints log was for specific residents' issues

while the issues log related to larger issues on contracts. He confirmed that nothing was removed from the logs without agreement by residents. The Strategic Director added that, as part of her preliminary investigation, Claer Lloyd-Jones had suggested that the issues log was insufficient and, as a result of this, meetings were also now minuted.

- 7.6 Councillor Jasmine Ali asked whether the scale of intervention in the Draper House contract was sustainable. The Head of Major Works replied that the standard of contract monitoring had not been adequate and residents' feedback had not been taken up but that these issues had been addressed within the new project team. Early learning from residents on an estate was essential and future contracts would take account of this and the scheme of management put in place at Draper House. The Strategic Director agreed that there had been a number of failings in management practice in respect of Draper House. She acknowledged that a real issue of trust and confidence now existed in respect of Draper House but that the independent investigation should provide a clear perspective on what the council needed to do differently in the future.
- 7.7 The chair invited the chair and vice-chair of Draper House Tenants' & Residents' Association, Luisa Pretolani and Julian Adamoli, to address the committee. Luisa Pretolani emphasised that there was a lot of disappointment amongst residents about being informed late in the day about the committee's meeting this evening. Several other residents apart from the vice-chair and herself were keen to speak.
- 7.8 Ms Pretolani reported that communication was still not good. She stated that many of the points listed on page 10 of the report had already been in place but had not improved the situation for Draper House residents. This was confirmed by Mr Adamoli. Effective communication was essential and needed to be revised. Ms Pretolani stated that residents were still not clear about funding, for instance it had been understood that the council did not have funding for the concierge but then the local contractor had stepped in to fund. Residents were also no longer clear about the schedule for works – a newsletter received that morning had stated that the scaffolding would be down by the end of the month but it did not provide information about other works. The project had already taken three years. Ms Pretolani stressed that in the view of residents there had not been sufficient monitoring of the contract with the result that residents had to invest a lot of their own time in reporting problems. The vice-chair and herself had spent whatever time they could on-site and were on call twenty-four/seven in an effort to mediate problems. She felt that the council gave different responses to similar problems in different flats.
- 7.9 The chair invited officers to respond to the issues raised by the Tenants' & Residents' Association. The Strategic Director explained that she had met several times with Claer Lloyd-Jones who had fed back on action which could be taken quite quickly, for instance minuting meetings. The Investment Manager clarified that there was a specific amount in the contract relating to the concierge but that this had been less than the costs identified. As part of the community commitment the contractor had contributed at their own cost to this and also to work to the TRA hall. In terms of communication, he explained that a number of changes had been made including increasing the number of meetings of the project team. Weekly updates had been put on the notice board and the council had recently appointed

an independent residents' advisor. The Investment Manager explained that, once the council began to consider terminating the contract with Breyer, communication with residents became restricted for legal and contractual reasons. He acknowledged, with the benefit of hindsight, that it may have been helpful if the council had been able to be more open about the contractual issues and that it may have been helpful to have appointed the independent residents' advisor at that stage. The Investment Manager confirmed that the report of the independent investigation into the major works at Draper House would be discussed with residents, alongside the scrutiny report, and would be considered by the cabinet. In response to a further question from Councillor Al-Samerai, he also confirmed that the initial points of contact for residents were the project manager and clerk of works.

7.10 In concluding consideration of the update, the chair asked that the report of the independent investigation be submitted to the committee for its consideration.

## **8. CORPORATE PROCUREMENT STRATEGY**

8.1 The chair, Councillor Gavin Edwards, reported that officers had not been available to introduce the corporate procurement strategy. He had however met with the Strategic Director of Finance and Corporate Services, Duncan Whitfield, to talk through general issues around the large contracts that the council had entered into. The chair suggested that officers provide a report to the September meeting and that external speakers be invited to a future meeting of the committee. The Head of Overview & Scrutiny, Shelley Burke, reported that John Tizard, a former head of public policy for Capita, would be attending the November meeting. Councillor Jasmine Ali suggested that Judith Smyth of the Office for Public Management might be another speaker worth consideration. The chair emphasised that one focus of the committee's work would be that Southwark did not have a written corporate procurement strategy.

## **9. WORK PROGRAMME**

9.1 Items for inclusion in the committee's work programme are detailed in the above items.

The meeting ended at 9.30 pm