

Audit Committee

24 June 2021



Report of: Ben Mosley – Head of the Executive Office, Bristol City Council

Title: Review of External Inspections of Council Services 2020/21

Ward: City Wide

Member Presenting Report:

Recommendation

Audit Committee is asked to:

1. Note the findings of the external inspections as set out in sections 4 to 8 of the report;
2. Note any improvement actions required as a consequence of the inspection findings and, where appropriate, the management response;
3. Note the assurance arrangements in place that oversee the Council's response to inspection findings.

Summary

This report summarises external inspection activity of Council services since April 2020. It sets out key inspection findings along with arrangements for implementing any recommendations arising from them. The report does not incorporate the outcome of any peer reviews.

The significant issues in the report are:

The outcomes of external inspections of council services are described in the report.



Policy

1. Consultation

Not applicable.

2. Internal

Not applicable.

3. External

Not applicable.

4. Context

This report summarises external inspection and peer review activity of Council services since April 2020. It sets out key inspection findings along with arrangements for implementing any recommendations arising from them.

Inspection activity for the Council services in the financial year 2020/2021 related to:

- Local Area Joint Inspection of Special Educational Needs and Disabilities (SEND)
- Schools and educational settings maintained by the local authority, undertaken by Ofsted
- Children’s social care services, including council-owned children homes, undertaken by Ofsted
- Ofsted Short inspection of Bristol City Council - Further education and skills
- Adult Social Care
- Local Government Association (LGA) Equalities Framework for Local Government Scheme
- Management Systems Assessment Report
- Regulation of Investigatory Powers Act inspection on 4th June 2020, which was undertaken by the Surveillance Inspector Investigatory Powers Commissioner's Office

5. Local Area Joint Inspection of Special Educational Needs and Disabilities (SEND)

5.1 Following the Ofsted and the Care Quality Commission (CQC) Local Area SEND inspection in autumn 2019, the council and Bristol North Somerset and South Gloucester CCG (BNSSG CCG) were required to produce a ‘Written Statement of Action’ (WSOA) setting out how the areas of identified weakness would be tackled. This action plan was approved by Ofsted in March 2020.

5.2 Following the inspection, membership and Terms of Reference of existing governing and decision-

making groups were co-reviewed with Bristol Parent Carers and other stakeholders to strengthen leadership and challenge and hold leaders (including school leaders) to account for performance and impact on outcomes

- 5.3 The Send Partnership Group (SPG) is the multi-agency delivery group responsible for driving forward the improvements set out in the WSoA. The group meets monthly and is co-chaired by the Director of Education and Skills and The Director of Transformation, BNSSG CCG and has representatives from all relevant services across education (including schools), health and social care, as well as parent carers.
- 5.4 The group is accountable to the SEND improvement Board, which meets every two months and has an independent chair. Board membership includes the Executive Director, People as well as parent carer representation and corporate scrutiny via the director Legal and Democratic services.
- 5.5 People Scrutiny Commission is also maintaining close oversight of SEND improvement work. Following a SEND deep dive and evidence day in February 2020 progress has been considered by the Commission in December 2020 and February 2021.
- 5.6 Advisors from the Department for Education (DfE) and NHS England (NHSE) meet with leaders from the council and CCG every four months, to review progress made against the planned achievement milestones in the WsoA. During 2020/21 three of these monitoring meetings took place virtually in July, November and March.
- 5.7 July Milestones progress and feedback from monitoring meeting: Overall 75% of the actions due for completion by July, were achieved. A further 13% were partially implemented but had changed focus due to the need to respond to Covid-19, or were on track to be achieved by the end of term. Six actions (12%) were delayed or paused due to Covid-19 pressures in the system.
- 5.8 The DfE's summary from their note of meeting stated that: 'Despite the disruption caused by Covid, the local area has made good progress in implementing the WSoA during the past 3 months'. In the current Covid context, progress to date with the WSoA has been commendable. The focus has been on those areas that can be undertaken well during this period. Local SEND leaders across the statutory agencies are working effectively together and there are encouraging signs of wider involvement and engagement of education providers and parents/carers. Although the WSoA has only been in place for approximately three months progress in addressing the five priorities is well underway, with systems emerging to evaluate the impact of actions and a strong commitment to embed an enduring inclusive culture for children and young people with SEND across the City'.
- 5.9 In November the Council received feedback from monitoring meeting which reported that of the 66 milestones due to have been met by November 2020, 89% were achieved or on track to be achieved during December / January. The DfE and NHSE advisers were satisfied with the way partners across the local area are working together and described the progress made as "really encouraging".
- 5.10 DfE noted: 'In the current Covid context, commitment to implementing the WSoA has remained positive, comprehensive and commendable. Local SEND leaders across the statutory agencies are

working effectively together and there are increasing signs of greater involvement and the engagement of education providers and parents/carers, the latter attributable in large part to the work of the interim Chair of the PCF. Since the approval of the WSoA, every effort has been made to progress improvements across the five priority areas identified by Ofsted/CQC. Looking forward, attention will need to be paid to evaluating the enduring impact of the changes made by the Local Area so far and how the level of innovative activity can be maintained to further improve outcomes for CYP with SEND in the Bristol area’.

- 5.11 In March the Council received further feedback from a monitoring meeting which found that out of the 56 milestones due to have been met in March 2021, 80% were achieved or are on track to be progressed during the summer term.
- 5.12 At its meeting in February, the SEND Improvement Board was satisfied with the progress made against the published WSoA milestones, notwithstanding Covid-19 pressures. Where there has been slippage in milestone achievement this is largely attributable to Covid-19. Whilst the partnership recognises that it will take time before there is clear evidence of the impact of improvements on provision and outcomes for children and young people, there is a growing body of evidence of increased parental satisfaction and quality of service.
- 5.13 The DfE / NHSE monitoring meeting took place on the 18th March and the DfE note of meeting has not yet been received. The meeting was positive and once again advisors were generally satisfied with progress made.
- 5.14 It was confirmed that Local Area SEND inspections and re-visits resume after Easter (having been on hold since the first lock-down in March 2020). The likely timeframe for Bristol’s re-visit is between October 2021 and March 2022.

6. Inspections of Schools and educational settings maintained by the local authority

- 6.1 On 17 March 2020, all routine Ofsted inspections were suspended due to the COVID-19 (coronavirus) pandemic. As a result, we suspended area special educational needs and disabilities (SEND) inspections and re-visits to local areas that had been required to produce a written statement of action (WSOA).
- 6.2 Local area leaders and practitioners have continued to provide services to children and young people with SEND and their families through the pandemic.
- 6.3 Ofsted and the CQC have announced a phased return to area SEND inspection activities. This includes an intention to restart inspections from April 2021, re-visits to local areas that required a Written Statement of Action (WSOA) and from June 2021, full inspections of local areas that have not inspected under the current area SEND inspection framework. Ofsted will keep these dates under review, in line with government advice and COVID-19 restrictions in place at the time, and Ofsted will provide further information about this in due course.

7. Inspections of Children’s social care services, including council-owned children homes

7.1 The following Ofsted inspections have taken place in Bristol Children’s Homes during the period 2020-2021. All homes care for teenagers on a full time basis unless otherwise stated.

Childrens Home	Date & Type of Inspection	Inspection Outcome	Action Taken
#1	20/01/21 Monitoring Visit In response to the current COVID 19 (coronavirus) lockdown restrictions 1/3/21 – Monitoring Visit In response to the current COVID 19 (coronavirus) lockdown restrictions	This monitoring inspection included a visit to the home to speak with children and staff and to check the environment. As a result of this inspection the regulator made 7 improvement requirements. Compliance notice was issue by the regulator. This monitoring inspection included a visit to the home to speak with children and staff and to check the environment. This visitwas completed to review the compliance notice issued at the last inspection on 20 to 22 January 2021.	Staff training in relation to Behaviour management has been improved. Recording of Children’s Health and wellbeing plans are improved. Admissions and matching procedures have been improved. This has all been verified and approved by the regulator. Internal safeguarding protocols have been improved. Additional training for staff in first aid and fire safety has been put in place.The compliance notice is met. This has all been verified and approved by the regulator.
#2	3/2/21 – Monitoring Visit In response to the current COVID 19 (coronavirus) lockdown restrictions	This monitoring inspection took place remotely . In response to the current COVID 19 (lockdown restrictions , the inspector reviewed a range of records and spoke with the children, staff and external professionals by telephone. The regulator made 6 Improvement requirements . A compliance notice was issued	Staff training in relation to Behaviour management has been improved. Recording of Children’s Health and wellbeing plans are improved. Admissions and matching procedures have been improved. This has all been verified and approved by the regulator. All staff training has been reviewed, and shortfalls identified have been rectified. The compliance notice is met. This has all been verified and approved by the regulator.
#3	22-23/09/20 – Assurance Visit. Due to COVID 19 (coronavirus), Ofsted suspended all routine inspections in March2020. As part of a phased return to routine inspection, are undertaking assurance	The regulator did not identify any serious or widespread concerns in relation to the care or protection of children at this assurance visit. The regulator made service improvement two requirements. These are now full met	Staff training in relation to Behaviour management has been improved.

	visits to children’s social care services.		
#4	<p>20-21/10/20 Assurance Visit. Due to COVID 19 (coronavirus), Ofsted suspended all routine inspections in March2020.</p> <p>09/11/2020 – Monitoring visit in response to the current COVID 19 (coronavirus) lockdown restrictions</p> <p>09/12/2020 - This visit Monitoring Visits was completed to review the compliance notices issued at the last Inspection on 9 November 2020. The home remains temporarily closed and the condition added to this home requires leaders to advise Ofsted three months in advance of their intention to admit a child.</p> <p>17/01/21 – Monitoring visit in response to the current COVID 19 (coronavirus) lockdown restrictions. This second monitoring visit was completed to review the compliance notices issued at the last monitoring visit on 9 November 2020 and to review the action taken since</p>	<p>The regulator did not identify any serious or widespread concerns in relation to the care or protection of children at this assurance visit. The regulator made one service improvement requirement. The purpose of this visit was to monitor the action taken and the progress made by the children s home since its last Ofsted inspection. The regulator made 6 service improvement requirements. A compliance notice was issued</p> <p>The compliance notices issued as a result of this visit and will be reviewed at the next inspection.</p>	<p>The process in relation to ensuring that all previous employments of staff are now verified has been improved.</p> <p>A Service Learning review has taken place. This is now being shared through staff workshops. Staff training in relation to Behaviour management has been improved. Recording of Children’s Health and wellbeing plans are improved. Admissions and matching procedures have been improved. This has all been verified and approved by the regulator. All staff training has been reviewed, and shortfalls identified have been rectified.</p> <p>Senior managers have completed a detailed action plan to address the requirements made at the last inspection. The compliance notice is met. This has all been verified and approved by the regulator.</p>
#5	Assurance Visit – 01/09/2020 Due to COVID	The regulator did not identify any serious or widespread concerns in relation to the care or	Staff training in has been audited and any shortfalls addressed.

	19 (coronavirus), Ofsted suspended all routine inspections in March 2020. Due to the current COVID 19 (coronavirus) lockdown restrictions	protection of children at this assurance visit. Four service improvement requirements were made and one recommendation	Admissions and matching procedures have been improved. The process in relation to ensuring that all previous employments of staff are now verified has been improved. The regulator is notified of all serious incidents in a timely fashion.
#6 Short Break Home for Disabled Children	11/03/2021 Monitoring visit In response to the current COVID 19 (coronavirus) lockdown restrictions	Monitoring visit took place remotely with a brief onsite visit. 3 service improvement requirements made and 1 recommendation.	A new recording system is being commissioned that will streamline the recording and storing of data to ensure consistency. Whilst this is being put in place records are being reviewed and training of staff is being actioned to ensure improved quality of recording.

8. Ofsted Short inspection of Bristol City Council - Further education and skills

- 8.1 Bristol City Council is the lead partner and contract holder in a consortium which is also known as Community Learning West. The consortium was established in 2011 and provides adult education and apprenticeships in over 150 venues or locations. Partners include North Somerset Council, South Gloucestershire Council and 12 smaller subcontractors, including local colleges. BCC apprenticeship provision trades under the name Bristol Apprenticeship Service and On Site Bristol.
- 8.2 BCC was last inspected in February 2016. Its provision was judged to be good. BCC is currently working with 333 adult learners on accredited programmes, 1821 learners on community learning courses and 143 apprentices. The vast majority of learners are studying community learning courses to enable them to develop new knowledge, progress on to higher-level courses and prepare them for employment. The vast majority of apprentices are completing programmes in construction, with a few doing health and social care.
- 8.3 The outcome the short inspection from Ofsted was that Bristol City Council (BCC) continues to be a good provider.
- 8.4 In order to improve further, Ofsted has advised that Leaders and managers should ensure that the quality of all subcontractors meets their high expectations and that all learners receive a good or better training programme; Continue to improve the arrangements for governance so that clear oversight and challenge is provided to senior leaders that helps them to improve the service further; All staff should challenge lateness and/or poor attendance and support learners and apprentices to develop these essential work-related skills. The Director for Education and Skills will work with key partners to ensure an appropriate action plan is in place to address these recommendations.

9. Adult social care

9.1 In response to COVID-19 pandemic the Care Quality Commission (CQC) suspended all routine inspections of care providers in March 2020.

9.2 As an interim measure, CQC brought in the Emergency Support Framework to check and support services. CQC worked closely with BCC, BNSSG CCG, Public Health (BCC), PHE regarding COVID 19 outbreaks.

CQC resumed inspections of services since the end of August 2020 focussing on the highest risk services first. CQC are also carrying out a program of Infection Prevention and Control (IPC) inspections of services – particularly where there are any outbreaks of C19 or where there have been any allegations about lack of or inappropriate use of PPE in services. The IPC inspections are very focused so will not lead to re-rating the services inspected but if any other issues found, then will lead to a full inspection. CQC, BCC Safeguarding team, BCC Contracts & Quality team and BNSSG Safeguarding and Contracts team normally meet every 2 months to share information and concerns. During lockdown, this increased to weekly meetings to share concerns on a more regular basis. We are now meeting fortnightly as lockdown eases.

9.3 CQC have completed only a couple of new inspections/ published reports which have led to ratings since resuming inspections, therefore the information below is still correct as of Nov 2020. There are a number of new services in Bristol which are registered with CQC but not yet inspected or rated. This may affect the information below once they are inspected and rated.

9.4 Data on current ratings is currently being compiled and updated. The data reporting has been complicated by lack of inspections for the first 8 months of the pandemic. Indicative data is as follows;

Bristol v England CQC Rating		
Category	Bristol	England
Outstanding	6.62%	4.72%
Good	85.43%	79.35%
Requires improvement	7.28%	14.72%
Inadequate	0.00%	1.16%
Insufficient evidence to rate	0.66%	0.05%

9.5 There have been no inadequate services in the Bristol area and have been no inadequate rating for the last 3 years.

10. Local Government Association Equality Framework for Local Government scheme

10.1 In March 2021 the Council hosted a peer challenge from the Local Government Association as part of the latter's Equality Framework for Local Government scheme. This is an independent external assessment by critical friends, looking at the Council's performance on equality, diversity and inclusion across four key themes: Leadership and organisational commitment; Understanding and working with your communities; Responsive services and customer care; Diverse and engaged workforce.

10.2 The process included a written self-assessment and a three-day virtual peer visit, which included 26 interviews and focus groups with staff, Members, managers and partners. A report is being finalised and will be presented to Full Council in July as part of the Council’s formal Annual Report on Equality and Inclusion.

11. Regulation of Investigatory Powers Act inspection

11.1 A regulation of Investigatory Powers Act inspection on 4th June 2020 by the Surveillance Inspector Investigatory Powers Commissioner's Office.

11.2 RIPA regulates the Council’s use of covert surveillance to prevent and detect criminal activity.

11.3 The Council is subject to regular inspection by the Investigatory Powers Commissioner’s Office (IPCO) to ensure that its policies and procedures are operated in a lawful manner.

11.4 In accordance with previous recommendations of the IPCO, reports on RIPA activity (or lack of it) should be made periodically to elected members

11.5 The following action plan was recommended:

Action Step <i>What needs to be done?</i>	Responsible Person <i>Who should take action to complete this step?</i>	Result <i>Was this step successfully completed? Were any new steps identified in the process?</i>
Central Register to be amended following the previous recommendation made by Neil Smart in October 2016, in regard to the management of any surveillance product	Richard Clark- RIPA Administrator	Completed Sep 2020. New columns inserted on register in regards to the management of any surveillance product including- Type, Review date and Storage information
The Council’s RIPA policy and Procedure to have a clearer warning regarding the fact that Intrusive Surveillance should <u>not</u> be conducted by the Council’s staff	Kate Burnham-Davies- RIPA Co-Ordinator	Completed Sept 2020. Extra content added to RIPA policy and procedure at Part 4- ‘Local Authority Use of RIPA’, confirming this
The number and grade of authorising officers would benefit from a review. A smaller group, occupying more senior positions and with the appropriate level of training, would seem an appropriate adjustment	Kate Burnham-Davies- RIPA Co-Ordinator	Completed Sept 2020. Authorising Officers reduced to four, all in more senior positions and appropriate level of training undertaken
The SRO should ensure authorisations are regularly	Sarah Sharland- RIPA Monitoring Officer	Completed. Mr Gratton advised and reassured at

reviewed by the relevant Authorising Officer to assess the need for the surveillance to continue and are cancelled if the surveillance no longer meets the criteria upon which it was authorised		time of inspection, that a process has now been adopted by the new RIPA Co-ordinator. The Council's RIPA policy and procedure updated Sept 2020 to reflect this at Part 3.4 and Part 12
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12. Management Systems Assessment Report

12.1 This is a recertification audit of the systems and controls in place at Bristol City Council to the requirements of ISO 14001:2015 and to the scope: The Direct activities, products and services provided by Bristol City Council within its boundaries – The activities of schools, the Bottle Yard Studios and companies for whom the council is a shareholder in are excluded.

12.2 Due to the risk of spreading Covid19 it was assessed that the audit could be conducted remotely to satisfy local and central government requirements and legislation. All audit meetings were conducted using Skype for Business, Zoom and other platforms to enable a thorough review of activities, operations and controls.

12.3 Three minor non conformity issues were reported in the report, which will be addressed by Heads of Service in consultation with service Director.

12.4 Audit Results

Standard	Major NCs	Closed	Minor NCs	Closed	Remaining open	OFIs
ISO 14001:2015	0	0	3	0	3	10

13. Risk Assessment

13.1 This is a report for Audit Committee to consider and note, and deals with matters that are in the public domain.

14. Summary of Equalities Impact of the Proposed Decision

14.1 There are no specific equalities implications arising from the recommendations.

15. Legal and Resource Implications

15.1 There are no specific legal implications arising from the recommendations in this report.

16. Financial

(a) Revenue

There are no additional financial implications arising from the recommendations

(b) Capital

There are no additional financial implications arising from the recommendations

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: