



# Scrutiny Committee

## Minutes

Thursday, 04 January 2024 at 18:30

### PRESENT:-

Councillor Williamson (in the Chair); Councillors Freeman, Grant, Galer, Hammond, Jeal, Mogford, Murray-Smith, Robinson-Payne, Thompson, Wainwright, & Waters-Bunn.

Councillor Capewell attended as a substitute for Councillor Cordiner-Achenbach.

Councillors Bensly, Candon, Plant, Smith, Flaxman-Taylor & Wells attended as observers.

Ms S Oxtoby (Chief Executive Officer), Mrs P Boyce (Strategic Director - People), Ms K Sly (Strategic Director - Resources), Mrs N Turner (Head of Housing Assets), Mrs K Price (Head of Health, Integration & Communities), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Mr T Williams (Communications Manager), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

Mr J Dunning (Unison).

### 01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cordiner-Achenbach.

Councillor Capewell attended as a substitute for Councillor Cordiner-Achenbach.

### 02 DECLARATIONS OF INTEREST

There were no declarations of interest given at the meeting.

### **03 MINUTES**

The minutes of the meeting held on 12 December 2023 were noted.

Councillor Capewell reported that he did not feel that the minutes reflected the meeting as, in his view, many of the questions asked at the meeting were unanswered. The Monitoring Officer reported that the Democratic Services Officer had been off sick between Christmas and the New Year and hence the minutes had been circulated late to the Committee.

### **04 22-161 - CONTROL CENTRE AND COMMUNITY ALARM SERVICES EMERGENCY CONTRACT DECISION V3**

The Committee received and considered the report from the Executive Director - People, Head of Health Integration & Communities and Head of Housing Assets.

Scrutiny Committee invoked a Call-in on the 18 December 2023 in line with Article 18 of the Council's Constitution, to consider the decision taken by Cabinet on 14 December 2023.

The decision related to the direct award of the Alarm Receiving Centre (ARC) and 24/7 Out of Hours Call Response Service, due to a combination of significant elevated risks by way of operational emergency powers under the Constitution; Article 42.10.5. The report sets out the process and procedure leading up to the Call-in. The report provided Members with further information pertaining to the need for an urgent decision and use of Article 42.10.5.

The report also provided additional information, as recommended by Scrutiny Committee, to retain a fully complaint service in-house and a full business case to facilitate a direct award should the decision to outsource stand following the meeting this evening.

Members were asked to review the content of the documentation supplied as part of the Scrutiny Committee report:-

- Full Business Case – Appendix 1.
- Rationale for the use of emergency powers – Appendix A.
- Draft specification for an outsourced monitoring service - Appendix B.
- Confidential Annex – Due diligence and CareLine365 financials.

The Monitoring Officer reminded the Committee that they had three options:-

(i) To do nothing

(ii) To refer the matter back to Cabinet with suggested amendments; or

(iii) Refer the matter to Full Council.

Councillor Grant asked for clarification as to whether Scrutiny could overturn a Cabinet decision. The Chair confirmed that Scrutiny could not overturn a Council decision.

The Chair informed Scrutiny that the Council did not have a dedicated Scrutiny Officer and that this role was shared between the Corporate Services Manager & Democratic Services Officer. The Monitoring Officer reported that a Scrutiny Officer was not a mandatory role for the Council to provide.

The Chair reported that he did not intend for an officer to present the presentation slide by slide but that he intended to ask Members if they had any questions relating to each slide. Any additions to the original presentation considered by Cabinet on 14 December 2023 would be highlighted, the Business Case followed by the Procurement Documentation would then be gone through on a page-by-page basis.

Councillor Wainwright was concerned that if CareLine365 took over the service provision that they would cease the Be at Home Service which was essential to prevent bed blocking at the JPUH. The Head of Service confirmed that the requirement for the retention of the Be at Home Service was a requirement stipulated by the JPUH. Councillor Waters-Bunn asked if the NHS contributes to the Be at Home Service. It was confirmed that the NHS do not contribute, this is funded by Norfolk and Suffolk County Councils, East Suffolk Council and our own Council.

Councillor Thompson asked if there was a marketing plan in place to increase the take up of community alarm customers to increase revenue which in turn would make it more profitable for the Council to keep in-house. It was confirmed that there was no current marketing plan.

Councillor Capewell asked for an update in regard to staffing levels. The Corporate Services Manager to forward him the relevant email which provided an update on staffing following the meeting.

Councillor Capewell reiterated the perceived failure of the Council to not to start to prepare for the digital switch-over in 2025 which they had known about since 2015 and asked for a response. The Head of Service reported the timeline of works to upgrade the analogue Jontec system to digital to date and reiterated that the Council could not afford to undertake all the required works at once. The Head of Service reported that approximately 450 of the commercial customers had been upgraded to digital alarms but this excluded any sheltered housing residents.

Councillor Jeal asked how the new digital service would function during a power cut in the borough. The Head of Service reported that the Sheltered Housing system would have battery back-up provision to ensure that when the phone lines are digital they have power to connect a call.

Councillor Jeal asked if there were any statistics available for failed receipts. The Head of Service explained that a failed receipt meant that a call did not connect and not that it was not picked up and that we were aware of no cases of this nature.

Councillor Wainwright asked why the figures relating to the risk relating to failed receipts in September & November 2023 was so high. The Head of Service reported that these figures related to calls whose source was unknown but these were not missed calls and the reason behind them was unknown. While some of the data is known as coming from sheltered or analogue alarm users and these have changed over the months, the worrying statistic is the unknown source numbers and those have stayed consistent and high.

The Strategic Director - People reported that a NCC upgrade had some compatibility issues with Jontec and there was a considerable failure in August & September 2023 which the Council dealt with. The risk to the service then changed to staffing shifts, staff sickness and CareLine365 were brought in to cover more shifts.

Councillor Wainwright reported that NCC should have foreseen any consequences resulting from this major upgrade and an "elderly system fail" was not acceptable. Councillor Capewell reported that upgrades should form part of change management which should be fit for purpose with back up plans and this critical service should be well within the remit of NCC.

Councillor Robinson-Payne asked why the December statistics were missing from the report. She informed the Committee that she had a friend who worked for the Ambulance Service who had informed her that they had been called out every day by residents who had fallen to pick them up off the floor as CareLine365 had failed them which she found quite disturbing. Officers said that this had not been reported to them nor raised as an issue by the TSA which monitors accredited providers.

Councillor Capewell reported that the lack of resilience in the service was all in the Council's making as they had not actively advertised any posts since March 2023. The Strategic Director - People clarified that adverts had also been posted in May and July 2023 without success. The Chair reported that the jobs advertised did not offer any job security as they were 1-year fixed term contracts. The Head of Service clarified that the last two posts which were advertised were the substantive posts of staff in other roles and therefore could not be advertised for any longer than the length of the secondment.

Councillor Capewell asked if the Council had researched the reasons behind the high levels of staff absence and whether they were treated in accordance with the Council's Sickness Absence Policy. The Head of Service confirmed that staff were dealt with in line with the Council's Sickness Absence Policy.

Councillor Capewell asked whether the responsible officers had utilised the resources of relief staff correctly before employing the services of CareLine365. The Head of Service reported that 1 relief staff member had been on leave over the Christmas period between 19 December 2023 and 1 January 2024 and the other officer had phoned in sick on 27 & 28 December 2023, so as the Council was unable to use them and as there was no resilience in the relief operators, CareLine365 stepped in to cover the shifts. Both relief operators have been spoken to and asked to cover more shifts but every time they cover a planned shift, it meant that they are not available for emergency shifts which is what happened over Christmas and raised the risks.

Councillor Wainwright asked why the Council was not looking at Mediequip as a

potential service provider and whether it had considered partnering with East Suffolk Council (ESC). The Head of Service reported that ESC was not TSA accredited and their system was 2/3 years behind Jontec. They also confirmed that the Mediequip service for Suffolk is not the same as ESC, this is the Cassius Service which is funded by Suffolk public health who have contracted Mediequip which is TSA accredited but does not have a local call centre, as its call centre is based in Lancashire. The Council was asking for a direct award, via an urgent decision by Cabinet, and did not intend to talk to anyone else.

The Head of Service reiterated the necessity for the Council to appoint a TSA accredited provider and the ESPO framework had been used to identify the existing provider in July 2022 which was CareLine365 which was a Norwich based company.

The Monitoring Officer assured the Committee that although emergency powers were being enacted, the Council had safeguards built into the process regardless of the urgency.

The Strategic Director - People reminded the Committee that it was a cumulative effect of staff sickness, unfilled posts and a system failure in the Summer 2023, which had resulted in the decision being taken by Senior Officers that this posed a risk to life and the resulting report this evening asking for Cabinet to act under emergency powers and agree a direct award to CareLine365.

Councillor Murray-Smith informed the Committee that he had looked at the Trustpilot reviews for CareLine365 as part of his decision-making process and the reviews were mainly positive and asked if Officers had done the same, which they confirmed they had once Members had raised a concern about quality.

Councillor Capewell reported that he did not think that the use of emergency powers rather than going through a normal procurement process to save money was justification enough for going down this route. The Monitoring Officer reported that this was not the case, emergency powers had only been invoked as the service posed a risk to life and required a swift resolution.

The Chair informed the Committee that this situation had rumbled on for more than a year and that all Members were unaware until the Cabinet agenda had been published on CMIS. Councillor Wainwright reported that Councillor Flaxman-Taylor, Cabinet Portfolio Holder, for Housing, Health & Communities was aware but had told no-one. The Leader of the Cabinet confirmed that this was correct that he had not been briefed and neither had Councillor Flaxman-Taylor. The Chair requested that this did not happen in the future.

The Head of Service was not asked to give a verbal report pertaining to the non-confidential Business Case and that any new information which had arisen since the last report was contained in the confidential appendix. No confidential information was discussed and the business cases were not shown on the screen as the public were not excluded from the meeting for this to happen.

The Chief Executive Officer informed the committee that the ARC service was subsidised by our tenants to the amount of £366k and was it reasonable that all of our tenants subsidised the service to that level. The Chair stated that this

was a question for Cabinet and not Scrutiny. The CEO suggested that Scrutiny should scrutinise value for money.

Councillor Waters-Bunn asked if our current model using the Jontec system had ever been TSA accredited, and if so, what were the associated costs. The Head of Service responded that we had never achieved TSA accreditation.

The Head of Service reported that any contract would be fully compliant and be GDPR compliant. All the information which we currently held on each service user in Jontec would be replicated and updated on the new system and would be made available to CareLine365 in a secure portal. The level of understanding of our Sheltered Housing tenants needs to be made available to CareLine365 and for them to share information with Tenancy Support Officers especially when SH tenants are returning home from hospital.

Councillor Grant asked for clarification in regard to our tenants protected characteristics and the support available to meet the needs. The Head of Service reported that each Sheltered Housing tenant has an individual personal support plan which sets out the support needed and the frequency of review. The Control Centre is aware of specific vulnerabilities of tenants in an emergency. This would be replicated with a new alarm service provider.

Councillor Hammond asked for an update on the staffing position. The Head of Service reported that TUPE would not kick in for the staff until there was an offer on the table from a service provider. Then when staff were TUPE'd across, the Council would ensure that all terms and conditions were met. There would be no offer of redundancy as all staff would be offered a role with the new service provider. This anonymous information had already been shared to allow Careline to format their draft offer.

The Head of Service informed the Committee that the CareLine365 management team had met with 5 out of the 8 staff at Wherry Way yesterday, and the remaining staff would be asked to meet with them as they had declined the initial invitation. It was imperative that both sides kept talking to each other and the Head of Service and Line Manager would be available to answer questions at any time.

Councillor Mogford asked how many staff were employed by CareLine365. The Head of Service reported that there were 15 staff covering day time shifts and 6 staff covering night-time shifts with a total of around 80 staff working part time and flexible hours and they handled 72,000 connections per annum compared to our 2,000. The new staff would be offered office-based working, hybrid working or remote working depending on their preference and all equipment would be provided.

Councillor Murray-Smith pointed out that as the staff would be joining a larger company there would be the opportunity for development training and promotion. The Head of Service reported that CareLine365 were keen to promote from within and were passionate in regard to staff development. CareLine365 had their own training team for the ARC staff and would look at

all reasonable adjustments for the redeployment of the staff including their choice of day or night shift.

Councillor Capewell asked how many calls each of the 15 call handlers would be expected to answer in a shift compared to our existing staff and whether they would be micro-managed to achieve the expected KPI's which was not good for staff wellbeing or morale. Officers were unable to make comments on CareLine365's behalf.

Councillor Grant asked whether any officers had concerns or were aware of any complaints in regard to CareLine365 that he, as a Member, should be made aware of. The Head of Service reported that she had no concerns and was not aware of any complaints and this was supported by the TSA consultancy staff.

Councillor Freeman reminded the Committee that it was imperative that they concentrated on the safety of the service for the residents which depended on it.

Councillor Waters-Bunn asked for clarification in regard to the out-of-hours service provision. The Head of Service reported that this was a different service and would be tendered independently using a framework and soft market testing had already been undertaken. Councillor Capewell asked for an assurance that this process would include a fair representation of the costs. The Head of Service confirmed that this was correct.

Councillor Waters-Bunn asked what would happen to staff who had a Council pension and who did not want to be TUPE'd over. The Head of Service reported that if the staff member did not want to accept the offer which met the same Terms and Conditions, the staff member would have to resign and their pension would be frozen at the point of their employment with the Council ending. They would not have been offered alternative employment within the Council as redeployment, given that they will have legally made themselves intentionally jobless but they are welcome to apply for any roles which are advertised as they come up.

Councillor Waters-Bunn highlighted that the change would be very scary for the elderly and vulnerable service users and that she hoped that they would be fully supported through the transition period. The Head of Service reported that nothing would change in the operation of the service for the service users and any change of new/replacement kit would be introduced gradually. The Tenancy Support Officers would fully support the SH tenants. Councillor Jeal reported that he shared the concerns of Councillor Waters-Bunn.

Councillor Jeal proposed that the duration of the meeting be extended by thirty minutes. This was seconded by Councillor Capewell.

At 20:23, the Chair paused the meeting for a 5-minute comfort break.

The meeting resumed at 20:30.

Councillor Jeal reported that it was imperative that all staff receive information face-to-face and not via email if it related to their conditions of employment.

Councillor Wainwright reiterated his request that officers contact Mediequip and East Suffolk Council. The Head of Service reported that Mediequip did not meet our requirements as they did not have any local call centres; the nearest office was in Ipswich and was not 24/7. ESC was not TSA accredited and therefore did not meet our requirements.

Councillor Wainwright withdrew his request in relation to Mediequip but proposed that Officers find out why ESC were not TSA accredited. This proposal was seconded by Councillor Jeal and following a vote was approved.

Councillor Capewell proposed that an Open Framework Tender was carried out to ensure the process was open and transparent. The CEO reported that the Council intended to use a framework and that this voided the proposal. The proposal was seconded by Councillor Jeal but lost at the vote.

The Chair summarised the feelings of the Committee as follows:-

- (i) The Committee recognise that there is a need for change and for the analogue system to be upgraded as soon as possible,
- (ii) The Committee commented on the need for the Council to evidence best practice when communicating changes to its services, which could impact staff and job roles. The Committee requested that communication be given in person and not via email and this to be the case for all services across the Council in the future,
- (iii) That in future, information regarding any significant changes to a Council service of a similar nature be reported to the Leader, Shadow Leader, responsible Cabinet Member and Chair of Scrutiny Committee; and
- (iv) The Committee requested that Officers discuss further, the requirements for this service being delivered by East Suffolk Council and investigate if their own in-house service has been improved and is now TSA accredited.

**RESOLVED:-**

That Cabinet are asked to consider the following recommendations and comments from the Scrutiny Committee :-



(i) The Committee recognise that there is a need for change and for the analogue system to be upgraded as soon as possible,

(ii) The Committee commented on the need for the Council to evidence best practice when communicating changes to its services, which could impact staff and job roles. The Committee requested that communication be given in person and not via email and this to be the case for all services across the Council in the future,

(iii) That in future, information regarding any significant changes to a Council service of a similar nature be reported to the Leader, Shadow Leader, responsible Cabinet Member and Chair of Scrutiny Committee; and

(iv) The Committee requested that Officers discuss further, the requirements for this service being delivered by East Suffolk Council and investigate if their own in-house service has been improved and is now TSA accredited.

The meeting closes at 20:45.

The meeting ended at: 20:00