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18th May 2017

The Rt Hon. Sajid Javid MP
Secretary of State for
Communities & Local Government
Department for Communities & Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

The Rt Hon. Justine Greening MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
Great Smith Street
London
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Dear Secretaries of State,

I write to offer the report of the Commissioners appointed to Rotherham Council at the conclusion of 27 months of work. This is my first report as Lead Commissioner since taking over from Sir Derek Myers in March this year and the ninth report from the Commissioner team.

Commissioners have been working in Rotherham since February 2015 and in accordance with the Directions, we have recommended the restoration of powers to the Council on a phased basis. The Council has now successfully resumed decision-making powers for approximately two thirds of its functions. This letter reports on progress on five of the six remaining functions. Commissioner Cllr Tricia Bradwell has reported in a separate letter on progress on the sixth function – Children's Social Care.

I am pleased to report that the Council has continued to make significant progress on its improvement journey and specifically in relation to the five remaining functions: community safety; waste management; performance management; asset management; and HR. I would observe that the Council has gained in confidence and ability as a result of the return of powers to date which highlights the benefit of timely resumption of responsibility. I and the Commissioner team recommend the restoration of powers for these remaining five functions.

I set out below the key aspects of progress which have informed this decision. This is further supported by the evidence templates that are enclosed and provide information in relation to the four judgement criteria that we set at the start of the intervention and which we have used consistently to assess the readiness of the Council to resume its powers.

The Commissioner team will continue with oversight of the Council's decision-making and improvement journey for all returned functions and in my comments below recommending restoration, I set out any specific activity that Commissioners will pursue in support of this.

Over the period of the intervention the Commissioner team has established ways of working which will facilitate ongoing oversight and the Council at both Member and officer level has been responsive to the role of Commissioners. I am therefore confident that Commissioners will be able to continue to provide effective oversight in this new phase of the intervention. It is worthy of note that the Council held 'all out' elections in May 2016 (with no May elections held this year) and therefore sufficient continuity and stability of political leadership of the Council can reasonably be expected.

In addition I would propose to discuss with your officials and write to you again in relation to the final stage of the intervention and the steps which need to be taken to assess the readiness of the Council and its future prospects.

The recommendations I now make, if supported by you, would result in the Council resuming its powers for all functions with the exception of Children's Social Care and with reserved powers of direction in place in relation to Adult Social Care (as established in the latest Directions March 2017) and Domestic Abuse as proposed below. By using the term 'power of direction' I refer to the arrangement set out in the Directions which states that if the lead executive Councillor is provided with formal advice by the relevant Commissioner in relation to a proposed decision, the Councillor must follow that advice.

Performance Management

Commissioners recommend that powers be restored to the Council for performance management functions on the basis that the four criteria are met and Commissioners are confident that the Council has the commitment and capacity to resume responsibility for the service.

The LGA undertook a review of performance management arrangements in 2016, and following its recommendations the Council has embarked on a programme of improvement that is set out in the evidence template and which include the following key factors.

- Established a new performance management framework across the Council. Progress is monitored monthly and reported quarterly to Cabinet. New ways of working which support this have been embedded throughout every directorate.
- A Commissioner team-led review of the Corporate Plan and performance management took place in March/ April 2017. Cabinet members, chair of Scrutiny and the leader of the opposition have welcomed the new system and the overall view is that performance management is working well in its first year and is valued by them.
- Well established Joint Commissioner-Council Improvement Board that meets regularly to review performance and will continue and be chaired by the Leader of the Council (handing over from Lead Commissioner).
- Detailed level of reporting and scrutiny to target those areas underperforming.
- Corporate Plan 2016/17 published with new vision and set of values, and work continues on the medium term Council Plan 2017-20 due to be launched summer 2017.
- Staff personal development reviews are well established which support performance review.
- Revised staffing arrangements for the new corporate performance management team. Recent recruitment of external Head of Performance who took up post in May 2017.

The Cabinet member responsible for performance management is fully engaged in this important function, and is actively involved in embedding the practice across the Council. Commissioners are also satisfied that leaders and managers are continuing to strive for improvements as performance management becomes part of the day-to-day routine of the Council. This approach and evidence given has convinced Commissioners that performance management can be returned to the Council.

Waste Management

Commissioners recommend that powers be restored to the Council for waste management functions on the basis that the four criteria are met and Commissioners are confident that the Council has the commitment and capacity to resume responsibility for the service.

Following the Peer Review undertaken in 2015, the Council has made significant progress with its Improvement Plan for the service that are set out in the evidence template and which include the following key factors:

- Improved collection performance. Missed bins down to 29.8 from 60 per 100,000 bins. The national average is 61.12.
- Sickness levels down to 11 days per FTE in the last quarter from 23 days per FTE.
- With the opening of BDR (Barnsley Doncaster Rotherham) waste partnership facility 96% of waste is being diverted away from landfill.
- Re-procurement of the vehicle fleet to assist in modernisation of the service.
- The Cabinet member has established a Member reference group and has been directly involved in driving improvement, engaging staff and exploring future options for improvements to kerbside recycling and to explore commercial opportunities.
- New management team in place who have introduced a variety of good practice to engage staff and to secure improved performance management, efficiency and service quality.

The Commissioners are confident that the leadership from the Cabinet member and the managerial leadership of the service will be proactive in pursuing ongoing improvements to the service and that the Council has the capability to resume its powers in relation to waste management.

Community Safety

Commissioners recommend that powers be restored to the Council for the community safety function on the basis that the four criteria are met and specifically that the Council has both the political and managerial leadership to continue the improvement journey and to pursue partnership working with South Yorkshire Police (SYP) and other agencies, including holding them to account. However, with regard to domestic abuse, there is still considerable improvement to be progressed particularly within partner agencies and therefore we recommend that in restoring powers to the Council that the power of direction is given to Commissioners in relation to Domestic Abuse. Detailed evidence is provided in the evidence templates and the key achievements which have informed the Commissioners recommendation are:

- The new governance structures for the Safer Rotherham Partnership (SRP) have been in place for over a year and are embedding. There is good and consistent attendance at the board. The Cabinet member, as Chair of the SRP, has ensured further improvements through the agreement of the Community Safety Plan 2016-2019, use of themed and task and finish groups, a focus on performance and intelligence, a programme of detailed consideration of an SRP priority at each meeting, aligning funding to the agreed priorities.
- The Council has reviewed its structure to provide additional senior leadership capacity. Therefore, in addition to the role of the Strategic Director and the Assistant Director, a new Head of Community Safety post is under recruitment and the Chief Executive who has a background in community safety has joined the SRP Board.
- New appointments within SYP have led to improved partnership working and on the ground collaboration, whether in the work to tackle anti-social behaviour in Eastwood or to address the management of far right marches and the impact on the town centre.
- The Joint Strategic Intelligence Assessment is providing improved data analysis to inform the focus of activity and the performance framework arrangements are enabling monitoring of trends and performance.
- Community Cohesion. This is an area of priority for the board and an early success has been improvement in rates of and arrangements for the reporting of hate crime. The Council has been proactive in focus on issues of cohesion and has now coordinated its various activities into the 'Building Stronger Communities' Strategy and Action Plan which was formally agreed by the Cabinet in May 2017.
- Domestic Abuse. In common with the national picture Rotherham has seen a rise in reporting of domestic abuse and is reviewing its strategy and arrangements across the partnership for tackling this. This work includes a refreshed Domestic Abuse Strategy, mapping of services and pathways for reporting incidents and dealing with responses, reviewing resource allocation and dealing with perpetrators. SYP is implementing a range of improvements to its approach and adherence to good practice following the recommendations of a PEEL Inspection published March 2017 which raised a number of serious causes for concern on the forces practice in dealing with domestic abuse cases. The Council and the partnership have shown that they are not complacent about the need for further improvement and innovation. In addition to the Partnership's own improvement work, the Council's scrutiny panel has undertaken a review of arrangements and the Council is arranging for an external peer review to be undertaken later this year. Given the need for further improvement across the partnership, and especially within SYP which is not entirely in the Council's control, it is recommended that a reserved power of direction is retained for domestic abuse services.
- An independent health check of the overall SRP arrangements and progress to date has been undertaken by Blackburn with Darwin Council in May 2017 and reports that the service is progressing satisfactorily with particular strong managerial and political leadership, good governance and a positive partnership with the police. The review team supported the view that the council was fit to continue the improvement journey. More details are provided in the evidence schedule attached.

Commissioners are satisfied that the Council has significantly improved its arrangements for fulfilling its responsibilities for community safety matters and that the wider SRP has responded positively to this. The chair of the SRP provides strong leadership and has been proactive in addressing concerns as well as ensuring she develops her own skills and knowledge base via mentoring, training opportunities, engagement with services and in particular the SYP, participation in the PREVENT programme training etc.

The combination of Member and officer leadership is in the view of Commissioners sufficiently robust for the Council to resume its powers and continue the task of improvement and tackling issues of crime and anti-social behaviour in the future.

Human Resources (HR)

Commissioners recommend powers be restored to the Council for the HR function with the exception of the hearing of appeals at Member level which should be retained until the current review of constitutional arrangements for these decisions is complete.

Commissioners are satisfied that the Cabinet and Cabinet member, and the senior officer leadership are committed to and capable of continuing with the improvement journey. Commissioners will maintain oversight of improvement via the Joint Improvement Board.

The key progress which has informed the Commissioners' recommendation is:

- The Council has been robust in pursuing its HR improvement plan and progress, which is set out in the evidence table, includes improvement in absence management, improvement in dealing with disciplinary, grievance and capability issues.
- The new Head of HR has been in post for five months, bringing skills and expertise to the Council and has accelerated the pace of improvement. She has led a number of key pieces of work and, for example, has successfully delivered a revision to terms and conditions to deliver savings of £2m pa with 95% of staff signing up voluntarily to the revised arrangements.
- The Council has agreed a Workforce Strategy which is underpinned by a Workforce Plan and the HR Improvement Plan. See evidence templates for further detail.
- The performance management of staff is now embedded and the Council achieved 96% compliance with Performance Development Reviews (PDRs). It is now looking to develop further the role of the PDRs to deliver improvement and the council's priorities.
- There is a programme of activity in place to develop management and leadership skills across the organisation, to communicate with and engage staff, and to embed the Council's values and culture. The Senior Leadership Team is giving visible leadership to this work.
- The Cabinet member has been fully involved in leading this work, chairing the Staffing Committee and attending a number of disciplinary appeals boards with the Commissioner.

Asset Management

Commissioners recommend powers be restored to the Council for asset management on the basis that the four criteria have been met and Commissioners have confidence that the Council has the commitment and the capacity to continue its journey of improvement. Moreover, the Cabinet and Cabinet member are able to pursue appropriate and strategic decision-making. Commissioners will maintain oversight of both the Improvement Plan and decision-making. To facilitate this, Commissioner Kenny will retain membership of the Asset Management Board for a further 12 months.

The Council has made progress on its improvement journey in the following key areas:

- The Cabinet has formally approved the Council's Asset Management Strategy, demonstrating the Council is taking a strategic and corporate approach to its land and property assets.

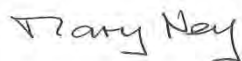
- The Council has responded well to the outcome of the external health check undertaken by CIPFA, putting in place an Improvement Plan with 17 projects which has been reported to the Joint Council/Commissioner Improvement Board. Solid progress has been made on projects and these are reported in greater detail in the evidence tables.
- In particular this work has ensured a more corporate and strategic approach with robust governance arrangements in place and improved data management and intelligence on the estate and land assets.
- Ensuring support to the priorities and strategies of Council services and policies via a number of property projects which are set out in the evidence schedule.
- Results have already been secured in terms of rationalisation of the estate, achieving capital receipts, securing revenue savings, maintenance programmes, contributing to the growth agenda and economic development and providing land for additional housing schemes.
- The officer leadership of asset management is being well-led by the Strategic Director for Regeneration and Environment with a new staff structure and training and development programme to ensure the right capacity and skills are in place.
- The Cabinet member is chairing the Asset Management Board and is proactive in driving the improvement agenda as well as ensuring decision-making on assets is based on good information, and is strategically focused on the Council's priorities.

Children's Social Care

As I indicated at the outset, Commissioner Bradwell has separately written to the Secretary of State for Education on progress within children's social care. For completeness I record here that she reports continuous and sustained progress. In addition I would observe that the Commissioner team sees evidence of good corporate and Council wide support for children's social care.

Finally, it is our normal practice to publish our letters to you and the supporting evidence after a short period of time following submission. We will discuss with your officials when it is appropriate to make this information public following the purdah period.

Yours sincerely



Mary Ney
Lead Commissioner

Enc: Evidence table and appendices