

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 28 January 2016 at 9.30 am.

PRESENT

Councillors Meirick Davies, Richard Davies, Colin Hughes, Barry Mellor (Chair), Dewi Owens, Arwel Roberts and Gareth Sandilands

Co-opted Members – Debra Houghton, Dawn Marjoram, John Piper and Gareth Williams attended for Agenda Items 6, 7 & 8.

Cabinet Members – Councillor Eryl Williams attended for Agenda Items 6, 7 & 8 and Councillor Hugh Irving attended for Agenda Item 9.

ALSO PRESENT

Chief Executive (MM); Corporate Director – Communities (NS); Head of Education (KE); School Effectiveness Performance Officer (JM); Education, Planning and Resources Manager (IL); Passenger Transport Manager (PD); Principal Manager Business Support (TW); Corporate Complaints Officer (CO); Scrutiny Coordinator (RE) and Committee Administrator (KEJ).

Huw Foster Evans, Managing Director – GwE

Marc Berw Hughes, Senior Challenge Adviser Conwy/Denbighshire Hub – GwE

Sian Clark – Wales Audit Office (observer)

1 APOLOGIES

Councillors Geraint Lloyd-Williams and Peter Owen together with Co-opted Member Gill Greenland

2 DECLARATION OF INTEREST

The following members declared a personal interest in agenda items 6, 7 & 8 –

Councillor Meirick Davies – Governor Ysgol Cefn Meiriadog & Ysgol Trefnant

Councillor Richard Davies – Governor Denbigh High School & Ysgol Plas Brondyffryn

Councillor Dewi Owens – Governor Ysgol Glan Clwyd & St. Asaph VP Infants

Councillor Arwel Roberts – Governor Ysgol y Castell & Ysgol Dewi Sant

Councillor Gareth Sandilands – Governor Ysgol Clawdd Offa

The following co-opted members declared a personal interest as follows –

Debra Houghton – agenda items 7 & 8 – Governor Denbigh High School & Ysgol Pendref

Dawn Marjoram – agenda item 8 – Governor Ysgol Plas Brondyffryn
John Piper – agenda items 6 & 8 – Governor Ysgol Tremeirchion and child uses free school transport

3 ELECTION OF VICE-CHAIR

The Chair sought nominations for a Vice-Chair of the Committee for the remainder of the 2015/16 municipal year. Councillor Gareth Sandilands proposed, seconded by Councillor Meirick Davies that Councillor Arwel Roberts be Vice-Chair. In the absence of any further nominations and upon being put to the vote it was –

***RESOLVED** that Councillor Arwel Roberts be appointed Vice-Chair of the Performance Scrutiny Committee for the remainder of the 2015/16 municipal year.*

4 URGENT MATTERS

No urgent matters had been raised.

5 MINUTES OF THE LAST MEETING

The minutes of the Performance Scrutiny Committee held on 10 December 2015 were submitted.

Matters Arising –

Page 11 – Item 6 Corporate Plan (Quarter 2 2015/16) – In response to questions raised by Councillor Dewi Owens officers confirmed that despite the council's best efforts they were unable to provide information on carbon emissions at present due to an issue relating to the energy provider's billing system. This issue would be resolved when the council changed energy provider in April. In terms of indicators and meeting targets assurances were provided that the council was able to demonstrate a reduction in its carbon emissions. It was agreed to provide Councillor Owens with further information in that regard.

***RESOLVED** that the minutes of the meeting held on 10 December 2015 be received and approved as a correct record.*

6 PRIMARY SCHOOL TRANSPORT

The Head of Education submitted a report (previously circulated) providing clarification on the policy relating to Primary School Transport and its application. The report had been requested by Councillor Arwel Roberts in light of recent changes to transport provision in the Rhuddlan and Dyserth areas and included reference to the legislative basis for providing school transport as detailed in the Learner Travel (Wales) Measure 2008.

Members were advised that the policy on Primary School Transport had not changed in the recent September 2015 revision. However, following this review the Service did ensure that Primary and Secondary transport to the 'nearest suitable school' was being applied correctly. A consequence of the correct application of

the policy was the situation which had arisen in Rhuddlan. Pupil numbers attending Ysgol Dewi Sant, Rhyl from Dyserth had fallen due to the pupils now correctly attending Ysgol y Llys. As such the service from Dyserth to Dewi Sant was reassessed as the vehicle was significantly oversized for the numbers travelling. This service came through Rhuddlan where some parents were paying a small concession to use the bus; however, in changing the size of the vehicle the concessionary travel would no longer be available and as such an assessment of safe walking routes to school from Rhuddlan was undertaken. A new safety assessment of the route had been undertaken during December 2015. The assessment had concluded that, due to the increase in the volume of traffic using the A547 caused by the introduction of single lane traffic across the bridge in Rhuddlan itself, the route could not at present be deemed as a safe route to school. With a view to minimising any future risk in this area improvement works were being commissioned to the crossing on the road. Following completion of this work the route's safety would be reassessed. Until such time as the work was done and the route was reassessed free home to school transport for affected pupils from the Rhuddlan area would be provided.

Councillor Arwel Roberts quoted from a recent National Assembly for Wales' Children, Young People and Education Committee's Inquiry into Welsh in Education Strategic Plans (WESPs) which referred to local authorities' discretionary powers "to provide free transport to Welsh-medium schools regardless of the distance criteria in order to promote access to education and training through the medium of Welsh" and to their "general duty to promote access to education through the medium of Welsh when exercising functions under the 2008 Learner Travel Measure."

Members raised the following points –

- that the Authority should utilise its discretionary powers in this area as despite proposed improvements to the crossing by Bryn Cwybr, the route would still be a hazardous one at that point and also at Bryn Cwnin
- similar problems could occur in relation to other primary school routes
- queried whether the policy was consistent with the Royal Society for the Prevention of Accidents' (RoSPA) guidance
- questioned whether the application of the policy in this particular instance was placing policy before children's safety
- queried whether all policies in the field of education complemented each other, as in this case it seemed that the primary school transport policy seemed to be at odds with the Welsh in Education Policy.

Responding to members' questions the Lead Member for Education, the Head of Education and the Education Planning and Resource Manager –

- emphasised that the home to school transport policy for Primary Schools had not been changed, it was just being applied more rigorously than in the past
- advised that the Council's application of the policy was consistent with the provisions of The Learner Travel (Wales) Measure 2008
- confirmed that the route at present had been deemed unsafe until the Highways Service undertook the required improvements and the route's safety was

reassessed. Until that work and assessment had taken place free transport would be provided to the affected pupils from the Rhuddlan area

- emphasised that there was no expectation on the Council's behalf for the pupils to walk unaccompanied from their homes to school or vice versa. Getting primary school pupils to school, when they lived less than 2 miles from the school, was the parents responsibility
- advised that the information on the safe route assessment was available if members wished to see it
- confirmed that the school was open to discussing a variety of solutions to the problem, i.e. walking bus, involving the community, etc.

The Lead Member for Education drew members' attention to the possible implications of recommending applying a discretion in this particular circumstance, as it would set an unsustainable precedent for the future.

During the discussion on the above the Parent Governor Co-opted Member for the Special Education Needs (SEN) sector drew attention to matters relating to school transport provision for additional learning needs (ALN) pupils in the county. She felt that more training was required for drivers and school escorts on how to deal with specific medical needs which were more prevalent in ALN pupils, both primary and secondary pupils. The Head of Education acknowledged that this was an area that required reviewing. She advised that she had already held preliminary discussions with the Council's Passenger Transport Manager the previous week with a view to reviewing school transport for ALN pupils.

At the conclusion of the discussion Councillor Arwel Roberts proposed that the Council should use its discretionary powers with respect to the provision of home to school transport for pupils from Rhuddlan attending Ysgol Dewi Sant, Rhyl. Councillor Dewi Owens seconded the proposal and the Committee supported the recommendation put forward. It was therefore –

RESOLVED to recommend that the Council review its decision with respect to the provision of home to school transport for pupils from Rhuddlan attending Ysgol Dewi Sant, Rhyl and, in line with its discretionary powers, arranges concessionary travel for those pupils not entitled to free home to school transport.

7 KS4 AND POST 16 EXAMINATION RESULTS

A joint report by the Education Manager and GwE Senior Challenge Advisor (Conwy/Denbighshire Hub) was submitted (previously circulated) detailing the verified performance of Denbighshire schools external examination results at Key Stage 4 and Post 16 together with an analysis of results against benchmarked information and performance against other local authorities. [Provisional examination results had been considered by the committee in October 2015.]

The Head of Education and GwE Senior Challenge Adviser introduced the report and gave a detailed explanation of its contents to members. During their presentation they emphasised that –

- with respect to the Level 2 Threshold (5 GCSE A* - C) they had hoped that all schools would be in quartiles 1 or 2, but unfortunately there were 3 schools in the 4th quartile which was extremely disappointing
- national categorisation of schools, which had replaced the previous school banding methodology, did take account of school attendance statistics. It was pleasing to report that no Denbighshire schools fell into the 4th category
- the Welsh Government's (WG) 'My Local School' website was available from the current date which gave parents and guardians a wealth of performance, school support and other associated information
- whilst Denbighshire's attendance at secondary schools had remained static in 2014 at 93%, which ranked the local authority 21st in Wales in comparison to other local education authorities, this area was improving. Current attendance figures were in excess of 94%
- at present both boys and girls in the county performed slightly below the Welsh average for Level 2 including English/Welsh or mathematics, whilst the gap in performance between boys and girls was in line with the Welsh average
- in an attempt to avoid last year's variance between the projected performance and the actual examinations performance a number of measures had been put in place both locally and regionally – these included individual schools setting their own targets, these targets were assessed and challenged throughout the year to ensure they were robust and were likely to be met; there was a regional strategy in place for 'schools at risk' for the purpose of targeting the required support to those schools; discussions on targets and performance formed part of the business at each Head teachers' Forum meeting and also featured in regular discussions between GwE Hub representatives and Heads of Department; sample schools had been identified to work together across the region, Wales and further afield with a review to sharing best practice and a regional conference would be held on 12 February on targeting setting, best practice, etc.
- appended to the report was a copy of the GwE Business Plan's aims and objectives in relation to educational outcomes for Denbighshire students – this detailed the work undertaken and being delivered in Denbighshire to secure improved performance and outcomes
- the main overall objective for 2015/16 was to improve the Level 2 inclusive performance from last year's figure of 56.1%, which was disappointing, to 60.8%. If this was achieved officers would be extremely pleased. Current information indicated that this would be achieved
- during the 2014/15 academic year a number of individual schools in Denbighshire had registered a significant dip in performance. With a view to supporting improvement in these schools a 'recovery board' had been established to monitor their performance and to identify any concerns at an early stage. One school had been served with an official notice to improve.

The Lead Member for Education informed the Committee that GwE Executive Board members were disappointed with examination performance in 2014/15 and as a result they had instructed officers to work on improving attainment. He also emphasised that the WG tended to focus their attention on Level 2 inclusive performance rather than on developing all aspects of students' abilities, which was Professor Donaldson's vision for education.

During the ensuing discussion members and the Council's senior officers raise the following points –

- the need for effective challenge in light of last year's slippage in performance
- the need for a reliable formula for calculating free school meal (FSM) position, the pupil deprivation grant, and their correlation with overall educational performance
- the sustainability of improved performance in some schools without continual additional support and input
- concerns regarding additional pressures being placed on the head teachers due to GwE's expectations of them to peer assess and challenge other schools
- the lack of benchmarking for special schools to assist them to compare their performance and outcomes with other special schools
- the risk associated by the use of percentage figures for overall performance figures to be distorted
- concerns that improvement in performance across North Wales was not being achieved as fast as in other Welsh regions
- the role of the governing bodies in challenging and supporting improvement
- the need for the 60.8% target set for 2015/16 to be met, otherwise local education authorities would be extremely disappointed with the regional school effectiveness and improvement service model, and
- concerns with respect to future recruitment of high calibre head teachers and their retention.

In response to the above points GwE's Managing Director, Senior Challenge Adviser and the Head of Education –

- advised that since GwE's establishment three years ago the 2015 examination results had seen the largest variance in figures between the target and actual results at Rhyl High School, the variance in other schools were very small margins
- acknowledged that progress and the rate of improvement across the region and nationally had not been as great as GwE had anticipated, tighter control was therefore required on performance assessments to ensure that the anticipated targets were nearer to the actual result figures. Whilst schools were anticipating that they were likely to perform this year in excess of the 60.8% target figure agreed by GwE, GwE had agreed with them on the 60.8% figure in order to accommodate unexpected factors and the performance of special schools. The actual performance figures would become much clearer in early March when the English and Maths early entries result were confirmed, the Maths results were already available and were favourable
- confirmed that school governing bodies had an integral part to play in school improvement across the board
- whilst achieving a target of 60.8% in 2015/16 seemed to indicate considerable improvement on 2014/15 results, officers felt it was achievable as last year's results had been extremely disappointing. To achieve the set target the service needed to ensure that the intervention strategies suited individual pupils' needs
- gave assurances that the recent head teacher appointments in Denbighshire had been very strong candidates. They were also confident that they would

have a sufficient pool of candidates applying for the two secondary school head teacher vacancies currently being advertised, although it was acknowledged that there were challenges on a national basis with respect of the number of potential future head teacher candidates. GwE at a recent Executive Board meeting had discussed the need to have enough suitability qualified individuals in every area of education to deliver the best possible outcomes, as well as the availability of continued improvement and personal development opportunities to people in the profession to ensure its long-term sustainability.

At the conclusion of the discussion members –

RESOLVED that subject to the above observations, to –

- (a) receive the information on the performance of schools against previous performance and the external benchmarks that were currently available, and
- (b) emphasise the need for regular and continued challenge of the assessments and monitoring of the targets to ensure that actual performance would meet and possibly exceed the set target.

At this juncture (10.45 a.m.) the committee adjourned for a refreshment break.

8 SCHOOL GOVERNORS AND SCHOOL GOVERNING BODIES

The Head of Education submitted a report (previously circulated) detailing the role and responsibilities of school governors and school governing bodies, including the support and training available to them from the local authority, GwE and other organisations. She explained that an element of responsibility for school governors' duties lay with the local education authorities, whilst other elements were the responsibility of GwE. Members were advised that –

- there were concerns with respect to some individual governors' engagement in the training programme arranged by the Authority. Some governors seemed to be unaware that they could not fully fulfil their roles if they had not participated in the compulsory training courses
- various methods of training was provided for governors, e.g. face to face and on-line training packages
- Denbighshire had a Chair of Governors Association. The Head of Education attended the Forum's meetings to discuss with members current education related matters. Despite the fact that the invitation to attend Forum meetings was extended to all school governors, the Forum was not that well attended.

Responding to members' questions the Lead Member for Education, the Head of Education and the Education Resources and Planning Manager advised that –

- attendance at school governor meetings was an issue in some schools as was non-submission of apologies
- there were vacancies on some governing bodies. With a view to overcoming some of the problems caused by vacancies and the small size of some school

governing bodies the county advertised for a pool of governors and attempted to place them at schools

- attendance records were kept for each training session and these were checked with the county's records on school governors to ensure that they all had attended their mandatory training events. In addition governing bodies had been contacted with a request that they undertake a skills audit, results of this audit could then be used by the Governing Body to ensure they were operating effectively
- at a recent Chairs of Governors meeting the possibility of co-opting non-voting advisers on to school governing bodies had been discussed
- school governing bodies had a wide range of responsibilities ranging from building maintenance, health and safety, safeguarding and budgets. The Council's Schools Standards Monitoring Group (SSMG) closely monitored governing bodies' responsibilities with respect of these. Chairs of school governing bodies were invited to attend SSMG meetings when they were monitoring their particular school. In addition the local education authority's regular meeting with GwE examined the same areas
- from Easter 2016 Governors Wales would be replacing the former Bronze Award Scheme with another similar award
- the Council was notified if a clerk to a school governing body was absent from a meeting for any reason
- the local education authority verified and challenged the membership of governing bodies to ensure they were transparent and fair
- there was published guidance to assist governors with respect to their work on school governing bodies and to understand the ethical framework by which they were expected to abide
- the local education authority was automatically notified if a school governor or clerk resigned in order for them to initiate a recruitment/appointment process
- the local authority also had intervention powers to take over the running of a school if the governing body was deemed to be failing.

The Lead Member for Education advised that he was of the view that all county councillors should be members of at least one school governing body, in his opinion this should be a mandatory requirement for a county councillor as it would ensure that they had a better understanding of education related matters on a personal and corporate level.

Members commended the support given by the Council to school governors. Nevertheless it was felt that GwE should also be more involved with governing bodies and their work. However it was felt that the ratio of staff members on governing bodies to those to other representatives would benefit from being examined, particularly in small rural schools, as it may have a detrimental effect on the running of the school.

In response to a request from members officers undertook to furnish the committee with lists detailing the number of county councillors which serve on school governing bodies and for vacant positions on school governing bodies.

The Scrutiny Co-ordinator agreed to check with the Head of Legal Services/Monitoring Officer on the implications of the proposed local government

reorganisation on the appointment of LEA governors between now and the vestment date of the new authorities, which could potentially be April 2020.

Following consideration of the information the committee –

RESOLVED that, subject to the above observations, to receive and endorse the support and training provided to Governors to assist them to support and challenge schools.

9 YOUR VOICE REPORT - QUARTER 2 2015/16

A report by the Principal Manager – Business Support was submitted (previously circulated) providing an overview of compliments, suggestions and complaints received under the Council's customer feedback policy 'Your Voice' during Quarter 2 2015/16.

The Lead Member for Customers and Libraries introduced the report and the Principal Manager – Business Support detailed its contents, with particular emphasis on the 4 year analysis trend graphs. During his presentation he explained –

- that the service was currently working on modifications to the Customer Relationships Manager (CRM) system that would facilitate the production of reports and meaningful data
- that the complaints staff had been working closely with services over recent months with a view to establishing the facts behind the figures, particularly with respect to the reasons for missing set targets
- that there would always be a number of complaints which would miss the set target dates for dealing with complaints. These would usually be complex, sometimes multi-faceted complaints, which due to their very nature would necessitate a detailed resolution process
- performance in relation to Stage 2 complaints had fluctuated more during the current year than in previous years
- 12 complaints had been received from one individual, this type of complaint and complaints against senior officers were very expensive to investigate due to the seniority of the officer required to investigate them and the length of time that officer would have to dedicate to the process.

Responding to members' questions officers advised that –

- all complaints were acknowledged upon receipt, detailing the expected timescale for response to the complaint
- data was available on an all-Wales basis comparing local authorities' performance in dealing with complaints
- training was offered to officers within all departments with respect to dealing with complaints and the procedure to follow
- complaints which were of an operational nature could sometimes take longer to resolve due to the need to visit specific sites etc.,

- with respect to vexatious complaints the Council could utilise its policy for dealing with unacceptable customer behaviour, officers could also contact the Public Services Ombudsman for Wales' office for assistance with such complaints
- whilst the majority of services had been subjected to cuts during recent years, the number of complaints received was generally on a downward trend. However, the effect of efficiency cuts may manifest themselves in a different way i.e. a reduction in service performance
- they would check whether all compliments received by Heads of Service, be they directly from the public or via councillors, were actually recorded on the system
- confirmed that the target dates for dealing with complaints had been set by the Council as part of its work in drawing up the Corporate Plan
- it was far better to set high and ambitious targets rather than low ones which would be easy to meet
- they would ask the Senior Leadership Team to discuss the potential for lowering the threshold for registering a complaint as 'vexatious', albeit that this may raise the risk of being at odds with the Ombudsman's views
- complaints received by the Council about partner or organisations would be redirected to the organisation involved. Nevertheless the Chief Executive informed members that he would want to know about complaints about partner organisations who were delivering services on behalf of the Council, such as GwE, Civica etc.,
- whilst there were specific complexities involved in dealing with integrated health and social care complaints, there were methods for dealing with these types of complaints, i.e. in responding both parties needed to consider how the complainant felt about the matter.

Members did have concerns about the EMMA councillor enquiries service, and the user friendliness of the new system. Officers agreed to raise this concern with the relevant officer.

Having considered the information members –

RESOLVED *subject to the above observations and progressing the actions identified, to receive the information on the Council's performance in dealing with complaints during Quarter 2 2015/16 in accordance with the 'Your Voice' customer feedback policy.*

10 SCRUTINY WORK PROGRAMME

The Scrutiny Coordinator submitted a report (previously circulated) seeking members' review of the committee's work programme and providing an update on relevant issues.

The Scrutiny Coordinator elaborated upon forthcoming items to be considered at future meetings and responded to members' questions thereon. She reported upon the proposed scrutiny arrangements for GwE and related reports to be incorporated into the work programme together with the involvement of co-opted members in that regard. The committee also noted that the Scrutiny Chairs and Vice-Chair's Group

had directed the committee to scrutinise BT's plans to extend broadband across the county following a request from the Chief Executive which had been scheduled for April. Finally expressions of interest were sought for a committee representative to replace Councillor Colin Hughes on the Corporate Equalities Group.

RESOLVED that –

- (a) *the forward work programme as detailed in Appendix 1 to the report be approved and the relevant Lead Members be invited to attend for their particular items at the next meeting in March, and*
- (b) *Councillors Arwel Roberts and Colin Hughes be appointed the Committee's representative and substitute representative respectively on the Corporate Equalities Group.*

11 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Committee representatives reported upon their attendance at meetings as follows –

Councillor Richard Davies advised of changes to the Customers and Education Support Service as a result of the recent operational restructure and subsequent arrangements for a meeting of the new Service Performance Challenge Group.

Councillor Gareth Sandilands referred to the last meeting of the Strategic Investment Group during which their recommendations for capital projects had been agreed for submission to Cabinet.

Councillor Arwel Roberts reported upon on the last Schools Standards Monitoring Group involving Ysgol Bryn Hyfryd and Ysgol Emmanuel which had proved interesting and informative.

Councillor Meirick Davies summarised the main discussion points arising from the last Legal, HR and Democratic Services Performance Challenge meeting.

RESOLVED *that the verbal reports from members attending meetings be noted.*

The meeting concluded at 1.10 p.m.