

## PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 13 June 2019 at 10.00 am.

### PRESENT

Councillors Ellie Chard, Martyn Holland, Hugh Irving (Vice-Chair), Huw Jones (Chair) and Arwel Roberts

### ALSO PRESENT

Chief Executive (JG), Corporate Director: Communities (NS), Strategic Planning Team Manager (NK), Strategic Planning and Performance Officer (EH), Strategic Planning and Performance Team Leader (IMc).

### APOLOGIES

Apologies for absence were received from Councillor Ann Davies, Councillor Geraint Lloyd-Williams, Councillor Peter Scott and Councillor David Gwyn Williams

#### 1 APOLOGIES

Councillors Ann Davies, Geraint Lloyd-Williams, Peter Scott and David Williams, along with Lead Member Councillor Bobby Feeley.

#### 2 DECLARATION OF INTERESTS

N/A

The Chair commended the Head of Highways and Environmental Services and his team for the work they done during the recent adverse weather and also throughout the year. His gratitude was endorsed by the Committee and by the Chief Executive.

#### 3 APPOINTMENT OF VICE-CHAIR

The Chair sought nominations from the Committee for the role of Vice Chair. Councillor Hugh Irving had expressed an interest in serving as the Committee's Vice-Chair for a further term and had submitted a CV which had been circulated to Committee members. Councillor Irving was nominated and seconded for the role, no other nominations were received and the Committee unanimously:

**RESOLVED: - that Councillor Hugh Irving be appointed as the Committee's Vice-Chair for the 2019-20 municipal year.**

Councillor Hugh Irving thanked members for their support.

#### **4 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters were raised.

#### **5 MINUTES OF THE LAST MEETING**

The minutes of the Performance Scrutiny Committee meeting held on 21<sup>st</sup> March 2019 were submitted.

Matters Arising –

Page 10 – School Governing Bodies – the Chair confirmed that a report on the Management of School Governing Bodies was scheduled for presentation to the next Performance Scrutiny Committee Meeting.

Page 13 – Housing Services Review – the Chair drew members' attention to the latest edition of the Housing Service's Newsletter which has been sent to all members. He commended the Service on the production of such an interesting and useful communication for tenants.

**RESOLVED:- that the minutes of the Performance Scrutiny Committee meeting held on 21 March 2019 be received and approved as a correct record.**

#### **6 DRAFT DIRECTOR OF SOCIAL SERVICES ANNUAL REPORT FOR 2018/19**

The Corporate Director: Communities introduced the draft report (previously circulated) which provided the public with an honest overview of social care service provision in Denbighshire during 2018-19 and which sought the Committee's views on the Director's assessment of the service provision and the challenges that lay ahead prior to the report's submission to Care Inspectorate Wales (CIW). The report, written by the Corporate Director in her capacity as the Council's Statutory Director of Social Services, was a statutory requirement under Part 8 of the Social Services and Well-being (Wales) Act 2014 (SSWB Act) and was intended to demonstrate to the public that the Council had a clear understanding of its strengths, and more importantly its weaknesses and the challenges that lay ahead.

Introducing the report the Director paid tribute to the dedication and commitment of staff at all levels within both Adult and Children Social Care Services. Whilst every effort had been made to keep the report short, snappy and reader-friendly, due to the wide range of services delivered to all age groups by the Service, this was extremely difficult to achieve. The Director thanked elected members for the continued support that they provided for social care services in the county and ensuring that these important services were not used as a political tool by any of the political groups.

Responding to members' questions the Corporate Director: Communities and the Cabinet Lead Member for Education, Children's Services and Public Engagement, (the Lead Member for Well-being and Independence unfortunately could not attend due to another portfolio commitment):

- advised that in relation to the 'Have Your Say Survey' the 71% of children surveyed who said they were happy with the people they lived with equated to 7 children. Whilst at first sight this did not seem very positive it was important to bear in mind that these were children who had been removed from their parents and placed in foster care for their own safety. They were therefore going through a traumatic experience which was causing them some considerable distress. Where children were placed once removed from their parents depended on the circumstances behind their removal. Sometimes it would be appropriate to place them with family members or with family friends, other times it would be in their best interest to be placed with foster carers. Each case was assessed on its own merit, with the decision taken with the child's best interest in mind. Cost implications of their placement was never a factor. Whilst the Council did not have any children's homes of its own, there were a number of private homes operating in the county and another one, which was proposing to adopt a new and fresh approach to caring for looked after children was awaiting its licence to operate;
- advised that whilst the Council did aim to have its looked after children registered with a dentist within three months of them being taken into care this was not always possible, as they may have other more intensive needs which required to be met within the first three months of becoming looked after;
- advised that it was pleasing to report that Welsh Government (WG) transformation funding had been secured regionally for North Wales for the purpose of establishing a children's assessment centre and for developing Learning Disabilities work. North Wales was unique in identifying and securing funding to progress learning disabilities work;
- confirmed that the profile of 'safeguarding' across the Council had been raised quite considerably in recent years. The Council had a Corporate Safeguarding Policy which all staff were expected to abide by, each Service had its own designated Safeguarding Officer who reported to their Service on training provision etc. and who were responsible for reporting to the Safeguarding Board on compliance and on issues of concern within their Services. Disclosure and Barring Service (DBS) checks were undertaken and monitored on a regular basis etc. All Council staff were also required to complete e-learning modules on Safeguarding and Violence Against Women. All of these measures were in addition to the Council's statutory safeguarding responsibilities. The Council had adopted a corporate approach to safeguarding, consequently responsibility for safeguarding featured in three Cabinet portfolio holders' sphere of responsibility – the Lead Member for Education, Children's Services and Public Engagement, the Lead Member for Well-being and Independence and the Lead Member for Planning, Public Protection and Safer Communities;
- confirmed that the Council did have strategic and local operational input into North Wales Police's work around 'County Lines' substance misuse work. The Council's interaction with this work was illustrated to the Committee in the form of a number of recent examples of work undertaken with partner organisations. It was emphasised that the 'children' involved in 'County Lines' investigations were themselves victims and extremely vulnerable. Consequently, every effort was made to support and safeguard them;

- explained that with respect of 'Elective Home Education' Denbighshire was one of the best local authorities for accurately reporting these figures, some authorities had a tendency to mask the figures. In recent years the Council had undertaken substantial work in order to identify all home-schooled children and actively engage with them and their families with a view to persuading them to re-enter mainstream education. Denbighshire's Director of Education was the Association of Directors of Education (ADEW) Wales' Lead Director for the North Wales region and its lead for home schooling. The Council had an excellent Home Education Service, a fact that had been recognised by Estyn in a recent inspection report;
- advised that if children were absent from school on medical grounds it was the school who was responsible for providing their education in the short and medium term. If their absence from school on medical grounds was deemed to be long-term the Council's Education and Children's Services would make provision for them to be educated;
- explained that the 'Measuring the Mountain' project was a Wales-wide initiative aimed at evaluating the impact of the SSWB (Wales) Act 2014 and understanding people's experiences of social care in Wales. Denbighshire had an insight into this project as a carer from the county was a member of the Panel. She was due to give a presentation on the Panel's work and its findings to the Regional Partnership Board in the near future. The Director undertook to furnish members with the national report when available;
- agreed that whilst the terminology in the report at times may seem unfamiliar i.e. citizens etc. they were now commonly used in the field of social care and preferred compared to previously used terminology, such 'client' or 'service-user';
- confirmed that the work of the Homelessness Prevention Service was county-wide and not confined to the north of the county, although the greatest demand on the Service was in the northern coastal area;
- advised that the Council was obliged to work with Betsi Cadwaladr University Health Board (BCUHB) as the local health board for the area. Whilst working in partnership with the Health Board was not always easy or ideal, it was continually improving with each partner now acknowledging each other's priorities and pressures;
- confirmed that Partnerships Scrutiny Committee would be examining safeguarding and meeting the needs of the homeless in the county as well as Children and Adults Mental Health Services (CAMHS) during the forthcoming months;
- acknowledged that Dementia was an area of growing concern. Grass root support and local services were very often the best course of action to support dementia sufferers and their families and carers. However, with an increase in the number of older people living with dementia it was anticipated that Wales would soon be at crisis point, similar to what happened in England a few years ago;
- emphasised that the Council had not secured additional funding from WG in order to address and fund identified pressures within social care and Children's Services. However, through shrewd and prudent financial planning as part of its Medium Term Financial Plan (MTFP) it had been able to release an additional £2m to support the delivery of social care services in 2019/20. In addition the Council was quite effective at drawing down

specific grant funding to help deliver certain elements of the services provided. However, due to the very fact that these grant monies were time limited being dependent upon them in the long-term would be an extremely risky strategy to follow, and whilst the SSWB (Wales) Act had changed early intervention and prevention work from being discretionary services to statutory ones, the Act had not recognised this by ensuring that the funding for them was included in the Revenue Support Grant (RSG). This continued to be paid in the form of grant funding, without any long-term security on its availability;

- confirmed that 'whistleblowing' in relation to social care services was always a challenge, despite the fact that it could be done anonymously. However, the new Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) Framework would assist in such matters. The Council had a very good relationship with the unions in relation to whistleblowing matters; and
- advised that they were confident that a two week public consultation period on the Council's County Conversations portal was sufficient time for residents to respond to the report's contents

The Director agreed to include a definition, explanation and contextual information in the final document on terms such as 'Social Prescribing', 'Moving the Mountain' etc. It was also agreed to expand the wording in the second paragraph of the 'Have Your Say Survey' section on page 4 of the report to read "...feel supported to continue to care", and to re-word the paragraph on 'Elective Home Education' on page 22 of the report in order to clarify that the "increase from 50 to 100 pupils who are no longer home educated" actually meant that they were now in mainstream education.

Following an in-depth discussion it was:

**RESOLVED:** - subject to the above observations and the inclusion of the requested amendments, that

- (i) the report provided a clear account of performance in 2018-19; and**
- (ii) the issues of concern raised during the discussion on the report were already scheduled into the forward work programme of the Council's Partnerships Scrutiny Committee**

## **7 CORPORATE RISK REGISTER**

The Cabinet Lead Member for Finance, Performance and Strategic Assets introduced the Planning and Performance Officer's report (previously circulated) which presented the Committee with the Corporate Risk Register following its recent review by Cabinet and the Corporate Executive Team (CET). Attached to the report was a copy of the revised register along with details of the amendments made to it as part of the recent review, and the risk score methodology. He explained that during the recent review it had been decided that there was a need to consider risks associated with Brexit. It had also been noted that a few actions were due for completion. It was anticipated that by the time the next review would be undertaken a number of new or escalated risks would be added to the register. These included risks relating to the level of compensation that may be payable to

the former owner of the North Wales Hospital site, and the risks to the Council associated with the statutory duties placed on it under new legislation relating to Additional Learning Needs (ALN), this latter risk currently featured on the Service Risk Register for Education and Children's Services.

Responding to Members' questions the Lead Member and Officer:

- confirmed that they would check if DBS checks for schools extended to school governing body members and if the number of staff who had completed the mandatory Safeguarding, Violence Against Women and Data Protection e-learning module had increased from the 59.8% recorded in February 2019. It was confirmed that there were now nine modules in the mandatory e-learning package;
- advised that section 106 Agreements were in the Planning and Public Protection Service Risk Register and work was underway, following an internal Audit report, to integrate Section 106 Agreements into Corporate Plan Projects; and
- advised that the provision of dropped kerbs across the county appeared in the Service Register for the Highways and Environment Service.

At the conclusion of the discussion it was:

**RESOLVED:** - having considered the amendments to the Corporate Risk Register, and subject to the provision of the above information, to receive the revised version of the register.

## **8 THE EFFECTIVENESS OF WELL-BEING IMPACT ASSESSMENTS (WIA)**

The Cabinet Lead Member for Finance, Performance and Strategic Assets introduced the Planning and Performance Officer's report (previously circulated) which presented the Committee with an update on the implementation and the effectiveness of the Council's approach to impact assessing its decisions, using its web-based Well-being Impact Assessment. During his presentation the Lead Member informed the Committee that Equality Impact Assessments (EqIAs) had been in existence for some time, however they had not always been effective or subject to sufficient challenge or scrutiny. With the introduction of the Well-being of Future Generations (Wales) Act 2015, Denbighshire had taken a proactive decision to develop a Well-being Impact Assessment to incorporate all aspects of the Act's requirements whilst still meeting other legislative requirements, for example the requirement to undertake EqIAs. In adopting this approach the Council had developed a sector-leading web tool to facilitate the undertaking of WIAs, an approach which had been cited as good practice by the Wales Audit Office (WAO). By undertaking the WIAs using this tool councillors were then presented with the information in an easily understandable set format which would aid the decision making, whilst all officers would be required to consider the impacts on all well-being goals and the sustainable development principle. This ensured that a consistent approach was used to undertake the WIA on every occasion. The Lead Member drew the Committee's attention to the differences that had been realised through undertaking this approach, including better decisions and more effective

challenge of the WIAs. Nevertheless, there was room for further improvement, hence the reason for reviewing their effectiveness.

The Lead Member and the Planning and Performance Officer advised that the WIAs examined as part of the review had been of variable quality, some suffering from subject bias by the author, and others clearly not being commenced early enough in the planning stage for the proposals under consideration. Work was currently underway with officers to emphasise the need to commence the WIA early on during the formation of a proposal or project and to continually update it throughout its lifetime. This was particularly important in relation to major projects the Council was planning to undertake. The Critical Friends Group process for challenging WIAs had proved particularly useful and there were plans to formally resurrect this process going forward. Elected members' support for the process was key for it to succeed as was their role in effectively challenging the WBIAs presented to them.

Responding to members' question the Lead Member and the Planning and Performance Officer:

- confirmed that not all WIAs were quality checked. The Business Improvement and Modernisation Service relied on officers to approach them for assistance and advice if they were struggling with completing WIAs. However, in some services i.e. the officers dealing with the Local Development Plan (LDP) there was a high level of expertise in completing WIAs and officers from all services were encouraged to work together where possible in order to produce high quality WIAs;
- confirmed that Denbighshire County Council owned the copyright for the WIA web tool. A number of other local authorities had shown an interest in it and Conwy County Borough Council was looking at using Denbighshire's tool, however Denbighshire did not envisage it becoming a major income generating stream for the authority;
- advised that there was a Frequently Asked Questions (FAQs) document on the Council's intranet as an aid to councillors and officers to challenge WBIAs; and
- agreed to give consideration on how best to give personal support to councillors to effectively challenge WIAs going forward i.e. through the provision of a session to Council Briefing, smaller group training and development events etc.

At the conclusion of the discussion the Committee:

**RESOLVED:** - subject to the above observation and the provision of support to all elected members in relation to developing skills to effectively challenge and scrutinise Well-being Impact Assessments, to receive the findings of the review of the Well-Being Impact Assessment Process.

## **9 ANNUAL PERFORMANCE REVIEW 2018-19**

The Cabinet Lead Member for Finance, Performance and Strategic Assets introduced the Strategic Planning and Performance Team Leader's report

(previously circulated) which presented the Committee with information in relation to the Council's progress in delivering its Corporate Plan outcomes at the end of Quarter 4 2018-19. To comply with the requirements of the Local Government (Wales) Measure 2009 the report also detailed the Corporate Plan projects listed for delivery during the 2019-20 year. During his introduction the Lead Member informed the Committee that the report was being presented to members slightly earlier than in previous years, this was because councils were not constrained this year by the need to await the publication of Local Government Data Unit statistics. The Strategic Planning Team Leader advised members that incorporated into the report was the annual delivery document, the results of the residents survey, update on programme and projects' delivery, along with sustainable development references, diversity and equality information progress and case studies.

In response to members' questions the Lead Member, Chief Executive, Strategic Planning Team Leader and Strategic Planning and Performance Team Leader;

- advised that the graphs in Appendix 3 had been reproduced from the Verto Performance Management System and were not therefore easy to follow or read in printed format;
- agreed that the data on broadband connectivity, particularly in relation to the Clwyd West constituency was not encouraging, hence the reason the Council had designated as one of its corporate priorities that communities were connected and had access to goods and services locally, online and through good transport links. All North Wales local authorities had concerns in relation to broadband connectivity and its potential impact on economic growth, a fact which the WG had also acknowledged. For that reason it had been identified as the top priority under the North Wales Economic Ambition Board's North Wales Growth Deal. Lead Member and officers acknowledged that broadband connectivity and speeds, particularly in rural areas were of great concern as a number of small businesses were located in these areas whose viability was reliant on having digital and wireless connectivity;
- undertook to provide information to members on how the County's libraries would be able to support residents, particularly older and vulnerable people, to apply for blue disabled parking badges, government and other services digitally. They also agreed to provide information to the Committee on the Digital Isolation project.
- confirmed that whilst the Project Register was showing the 'Remodelling Waste Service Operations' as an amber, this was because it entailed capital works to be undertaken on the depots. Officers were confident that this project would be delivered; and
- advised that the Council had a clear policy in relation to school absenteeism and the issuing of fixed penalty notices for unauthorised absences. Nevertheless, different schools applied the policy in different ways. Education and Children's Services monitored this situation closely.

The Chair congratulated the Strategic Planning Team on compiling a well-written document which was easy to read and extremely informative. He also requested that as the winner of schools competition to design a logo for the County's Bee Friendly Status had recently been announced, the logo be used in the final document ahead of its publication.

At the conclusion of the discussion the Committee:

**RESOLVED:** - subject to the above observations and provisions of the requested information, to receive and endorse the Council's performance in delivering its priorities and associated duties as detailed in the annual performance review 2018-19.

## 10 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced the report (previously circulated) seeking Members' review of the Committee's work programme and providing an update on relevant issues.

The Committee agreed to the request to defer the presentation of the Street Naming and Numbering report to November 2019 as officers were unable to attend in September.

The Scrutiny Co-ordinator advised members that the findings of the Use of Plastics Task and Finish Group would not be presented to the Committee's meeting in September. This was because the Project Manager for the project was leaving the Council in the near future and a new officer would be required to manage the work and drive it forward.

Councillor Hugh Irving raised a further issue regarding the disposal of Plastics. In response the Scrutiny Co-ordinator highlighted that the new waste model was on Communities Scrutiny Committee's forward work programme for September.

The Scrutiny Chairs and Vice-Chairs Group had agreed that a report on the Management of School Governing Bodies should be scheduled into the Committee's forward work programme for July 2019.

A copy of the 'Member's proposal form' had been included in Appendix 2. The Scrutiny Co-ordinator requested that any proposals be submitted to herself.

**RESOLVED:** - that subject to the above the Forward Work Programme be approved.

## 11 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Arwel Roberts reported that it was his pleasure to attend the Legal, HR and Democratic Services meeting and praised the Head of Service, for his work.

Councillor Hugh Irving drew members' attention to the latest 'Your Voice' information report on the Council's performance in dealing with complaints, which was contained in the 'information Brief' document circulated to Committee Members.

**Meeting Closed 12:15pm**