

To: Members of the Democratic  
Services Committee

Date: 01 October 2019

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Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **10.00 am** on **FRIDAY, 4 OCTOBER 2019** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN LL15 1YN.**

Yours sincerely

G Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST (Pages 3 - 4)**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

### **3 URGENT ITEMS**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

### **4 MINUTES (Pages 5 - 10)**

To receive the minutes of the Democratic Services Committee meeting held on the 29 March 2019 (copy enclosed)

### **5 MEMBER TRAINING AND DEVELOPMENT (Pages 11 - 14)**

To receive a report by the Democratic Services Manager on training requirements, compliance with mandatory training, personal development reviews and e-learning for members (copy enclosed)

**6 PERSONAL SAFETY FOR COUNCILLORS** (Pages 15 - 32)

To receive a report by the Democratic Services Manager on the safety implications of elected members' roles (copy enclosed)

**7 UPDATE ON JOINT SCRUTINY** (Pages 33 - 60)

To receive a report by the Democratic Services Manager on an early overview of the Joint Conwy and Denbighshire PSB Scrutiny Committee (copy enclosed)

**8 SCRUTINY ARRANGEMENTS FOR THE NORTH WALES ECONOMIC AMBITION BOARD**

To receive a verbal report by the Head of Legal, HR and Democratic Services to assess options for local government Scrutiny of the Board.

**9 FORWARD WORK PROGRAMME** (Pages 61 - 62)

To consider the Democratic Services Committee's Forward Work Programme (copy enclosed)

**MEMBERSHIP**

**Councillors**

Joan Butterfield  
Rachel Flynn  
Hugh Irving  
Alan James  
Huw Jones

Gwyneth Kensler  
Christine Marston  
Andrew Thomas  
Graham Timms  
Joe Welch

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## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, ( <i>name</i> )	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	<b>Denbighshire County Council</b>
<b>CONFIRM</b> that I have declared a <b>*personal / personal and prejudicial</b> interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:- <i>(*please delete as appropriate)</i>	
Date of Disclosure:	<input type="text"/>
Committee ( <i>please specify</i> ):	<input type="text"/>
Agenda Item No.	<input type="text"/>
Subject Matter:	<input type="text"/>
Nature of Interest: <i>(See the note below)*</i>	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 29 March 2019 at 10.00 am.

### PRESENT

Councillors Alan James (Chair), Huw Jones, Gwyneth Kensler and Graham Timms

### ALSO PRESENT

Councillor Mark Young (Lead Member for Corporate Standards)

Head of Legal, HR and Democratic Services (GW) and Democratic Services Manager (SP)

### 1 APOLOGIES

Apologies for absence were received from Councillors Hugh Irving, Christine Marston, Andrew Thomas and Joe Welch.

The Democratic Services Manager informed the Committee that the meeting was not quorate. The Committee **agreed** to continue with the business on an informal basis.

### 2 DECLARATIONS OF INTEREST

The Head of Legal, HR and Democratic Services confirmed that all members present would have a personal interest in agenda item 5 – Independent Remuneration Panel for Wales Annual Report 2019 / 2020, but this was not regarded as being a prejudicial interest under the Code of Conduct.

### 3 URGENT ITEMS

There were no urgent items.

### 4 MINUTES

The draft minutes of the Democratic Services Committee's meeting held on the 19th October 2018 (previously circulated) were submitted.

***RESOLVED that the minutes of the Democratic Services Committee's meeting held on the 19th October 2018 be confirmed as a correct record.***

### 5 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2019 / 2020

The Democratic Services Manager introduced a report (previously circulated) in respect of the Independent Remuneration Panel for Wales' (IRPW) annual report for 2019 / 20.

Members were advised that the IRPW's annual reports had previously been taken to full Council, but the IRPW had recently confirmed that this was not required as the Panel itself set the determinations (decisions) rather than the local authorities.

The Democratic Services Manager (DSM) outlined the remit of the IRPW in setting the levels that members of principal councils, such as Denbighshire, as well as some other public bodies, were paid for undertaking various duties and responsibilities. He advised that the IRPW was required to produce an annual report and for 2019 / 2020 the IRPW was providing a £268 or 1.97% increment in members' basic salaries as well as a £532 increment to Cabinet members' senior salaries, with a full summary of the changes shown in the Committee's report.

Councillor Graham Timms referred to the IRPW's letter to Denbighshire County Council in respect of a proposal to increase the salary of one of the Council's chief officers. The letter appended to the IRPW's annual report had been superseded by a subsequent letter from the IRPW but, being part of the annual report, meant that the original letter was the version still in public circulation.

The Committee discussed the IRPW's role in regards to chief officers' salaries. The Head of Legal, HR and Democratic Services advised that the Welsh Government had added chief executive and chief officer pay issues to the IRPW's functions. The IRPW could therefore take a view and make recommendations on proposed changes to those salaries (unless the changes were also being applied to other officers of the authority). The authority was legally obliged to have regard to recommendations made by the IRPW but was not obliged to implement them.

The Committee expressed concern that letters concerning an ongoing issue were being appended to the annual reports and agreed that the Welsh Government should be asked to consider removing the IRPW's role relating to officer pay.

The Committee discussed the IRPW's aim of encouraging diversity in local government council chambers, which it supported. The use of member salaries and cost of care allowances to assist those who would not be able to afford to put themselves forward was welcomed, but it was acknowledged that the payments could negatively affect the public's perception of elected members.

Members discussed the IRPW's previous decisions to allow local authorities to decide between a series of payment level options for certain roles. The Committee supported the principle of decision making on members' allowances being taken out of the hands of local authorities, and recommended to the IRPW that options on payment levels should not be given. The Committee noted that the IRPW had responded to similar feedback from councils by removing those choices from the new annual report.

***RESOLVED – that the Democratic Services Committee:***

**(i) Endorses the Independent Remuneration Panel for Wales' aims to make available acceptable and affordable levels of member payments that will contribute to enhancing diversity in local government;**

**(ii) Expresses its concern to the Independent Remuneration Panel for Wales that letters concerning on-going matters relating to officer pay were being appended to the annual reports;**

**(iii) Recommends to the Welsh Government that the Independent Remuneration Panel for Wales' role in relation to officer pay be re-considered; and**

**(iv) Supports the Independent Remuneration Panel for Wales' removal of decisions on the payment levels for certain roles from local authorities in the 2019 / 2020 Annual Report.**

## **6 MEMBER TRAINING AND DEVELOPMENT**

The Democratic Services Manager (DSM) introduced a report on member training and development (previously circulated) which sought the views of the Committee on the content and direction of the training and development programme.

The DSO reminded the Committee that in September 2018 the Council had agreed its mandatory training requirements for members which were:

- Code of Conduct - once a term, and all members had attended this training.
- Planning – two training events each year (for Planning Committee Members)
- Licensing - two training events each year (for Licensing Committee Members)
- Data Protection and GDPR – annual training
- Local Government Finance - once a term
- Safeguarding - once a term.
- Corporate Parenting – once a term.

The DSM advised that annual training for councillors on data protection and GDPR issues was more than was required for the Council's officers. He reported that the Council's data protection officers thought this frequency of training for members was not required and sustaining annual training for all members would divert their resources.

The Committee agreed that data protection training should remain as mandatory training but should be required once a Council term, rather than annually.

Members also made the following points regarding training:

- Offering new councillors half day sessions with each department would help them learn about the Council's services and their role in shaping and supporting them.
- Training on prioritising workloads had been offered previously and could be a useful and popular addition to the training programme.

- Training for new members on the Council's standing orders and familiarity of taking part in webcast meetings would be welcomed. The Head of Legal, HR and Democratic Services (HLHRDS) confirmed that all members had been invited to a training session last December aimed at being effective in their roles, and this had included Council processes and standing orders.

The Committee agreed that more training for members on their ICT equipment was required, particularly for new members. Councillor Timms had found that iPads were not appropriate devices for undertaking the range of duties expected of councillors and training on using iPads to organise information and records would have been welcomed.

The HLHRDS informed the Committee of the process used to choose the ICT equipment for the new Council after the 2017 elections. He advised that shortly before the elections, a group of members had trialled a range of devices. The Council had previously used iPads and existing members' familiarity proved to be part of their appeal. In addition though, the trial group had found that the iPads' 4G mobile connectivity and longer battery life (than the other trial devices) led them to recommend iPads for the new Council term.

The DSM referred to the Council's statutory obligation to offer members a Personal Development Review. The Reviews were a way for a member and the Council to mutually assess a member's personal development needs. The review would be set within the context of the role of the member, their aspirations for what they hoped to achieve, the purpose and aspirations of the Authority and the needs of the community. They were not performance appraisals.

The DSM reported that members had last year been invited to take part in a Review but there had been little interest at that time and information would be re-issued for this year.

***RESOLVED – that the Democratic Services Committee:***

***(i) Recommends to Council that the mandatory Data Protection and GDPR training be required once a Council term instead of once a year; and***

***(ii) That information on Personal Development Reviews be circulated to the political groups.***

## **7 FORWARD WORK PROGRAMME**

The Democratic Services Manager (DSM) introduced a verbal report on the Committee's forward work programme.

He advised that the Committee's next meeting was scheduled for October 2019 and potential topics for that meeting were:

- An update on member training and development
- Personal safety arrangements for councillors
- An update on Joint Scrutiny of the Public Services Board



- Scrutiny arrangements for the North Wales Economic Ambition Board
- Arrangements to encourage a diverse and representative range of candidates for local government election

***RESOLVED that the report be noted.***

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<b>Report to</b>	Democratic Services Committee
<b>Date of meeting</b>	4 October 2019
<b>Lead Member / Officer</b>	Councillor Richard Mainon / Steve Price
<b>Report author</b>	Steve Price
<b>Title</b>	Member Training Update

## 1. What is the report about?

This report provides an update on member training issues.

## 2. What is the reason for making this report?

To seek the Committee's views on the contents and direction of the training and development programme.

## 3. What are the Recommendations?

That the Committee considers and comments on the member training and development programme.

## 4. Report details

### 4.1 Mandatory Training

Council in September 2018 agreed the following would be mandatory training courses:

- Code of Conduct - once a term
- Planning – two training events each year (for Planning Committee Members)
- Licensing - two training events each year (for Licensing Committee Members)
- Data Protection and GDPR – annual training
- Local Government Finance - once a term

- Safeguarding - once a term.
- Corporate Parenting – once a term.

In March 2019 this Committee reviewed the mandatory requirements and agreed to ask full Council to amend the data protection requirement to once a term. This request will be formally presented when full Council next considers member training issues.

## **4.2 Training records**

Member training is organised by services throughout the Council on topics within their remit, with some central support and coordination from Democratic Services.

Democratic Services and HR are currently investigating whether the Council's HR system could be used to record member training. The aim is to have an improved system in place that will record attendance and produce reports for individual members and for the political groups. Reporting on compliance with the mandatory requirements – which vary depending on a member's role – will be a key feature of the new reporting system.

Testing of the system is currently underway.

## **4.3 Corporate Support Services Review (CSSR)**

The Workforce Development and Training workstream of the CSSR will consider whether support for member training provision could be improved. The workstream aims to deliver a joined-up approach to workforce training that could potentially benefit member training and development too.

## **4.4 Personal Development Reviews**

The Local Government (Wales) Measure 2011 requires that a Personal Development Review (PDR) be made available to each councillor. A PDR is a way for a member and the Council to mutually assess a member's personal development needs. The review would be set within the context of the role of the member, their aspirations for what they hope to achieve, the purpose and aspirations of the Authority and the needs of the community. The interview could include a review of the training and development received by the member over the previous year.

A PDR is not a Performance Appraisal but intended to be a means of supporting and developing members.

All members have been invited to undertake a PDR and these are being arranged for those who accepted the offer. Members are not obliged to undertake a PDR.

#### **4.5 E-learning**

The development of an e-learning resource for members is being coordinated nationally by a Member Support Officer Network in conjunction with the Welsh Local Government Association. A national e-learning platform hosted by the NHS is being developed for local authority use. Ensuring that this platform works well with the mobile devices often used by members, is easy for members to access and navigate and has a range of up-to-date, councillor-focused modules have been the main focus of recent work.

### **5. How does the decision contribute to the Corporate Priorities?**

This report does not directly contribute to the Corporate Priorities though appropriately trained and supported elected members will contribute to the Council's performance at strategic, policy development and decision-taking levels.

### **6. What will it cost and how will it affect other services?**

The majority of the training plan is provided by the Council's officers. This does not require extra funding but does require officer time and will be a factor in the size and complexity of the training programme that can be delivered. For some training areas external facilitation is required which would need to be contained within the member training budget.

### **7. What are the main conclusions of the Well-being Impact Assessment?**

This report does not require an Assessment

### **8. What consultations have been carried out with Scrutiny and others?**

Member training and development issues are reported to the Democratic Services Committee and full Council.

## **9. Chief Finance Officer Statement**

Not required for this report.

## **10. What risks are there and is there anything we can do to reduce them?**

Training and development is intended to equip members with the skills and knowledge required for the different roles. Without this in place there is a greater risk in some areas of successful challenges to decisions or referrals to the Public Services Ombudsman, and to poorer performance generally

## **10 Power to make the Decision**

Local Government (Wales) Measure 2011.

<b>Report to</b>	Democratic Services Committee
<b>Date of meeting</b>	4 October 2019
<b>Lead Member / Officer</b>	Councillor Richard Mainon / Gary Williams (Head of Legal, HR and Democratic Services)
<b>Report author</b>	Steve Price (Democratic Services Manager)
<b>Title</b>	Personal Safety for Councillors

## 1. What is the report about?

The report aims to provide information and guidance to members on safely undertaking their roles.

## 2. What is the reason for making this report?

Members of the County Council have public profiles within their wards and across the county. They are sometimes required to take or be involved in difficult and controversial decisions and regularly interact with members of the public, often face-to-face, on a range of issues and problems.

Generally these contacts are positive or non-adversarial and the role of being a councillor is generally regarded as being rewarding. Incidents of violence against public figures are rare but their public profile and roles can potentially attract abuse, harassment and the fear of violence. The Committee has therefore requested information on personal safety issues for councillors.

## 3. What are the Recommendations?

That the Democratic Services Committee considers the guidance available on personal safety for councillors and its application in Denbighshire.

## 4. Report details

Whilst acknowledging that the likelihood of a councillor experiencing a dangerous or distressing incident is very low, there are a number of situations where an awareness of risk and personal safety issues can be helpful or reassuring. The following represent potential areas of risk the Committee may wish to comment on:

- Visiting people in their homes
- Receiving callers to your home
- Holding surgeries
- Receiving malicious or nuisance telephone calls or online messages
- Dealing with emotional constituents
- Travelling
- Communicating online
- Door-to-door canvassing

Lone working can pose or heighten the risks connected with a number of the areas identified above, such as holding surgeries alone in an otherwise empty building or visiting a constituent in their home. The Council has in place lone worker procedures on its Intranet site that can be applicable to both staff and members.

Some local authorities have produced 'councillor-specific' guidance that may sit alongside specific lone worker guidance. Appendix 1 is an extract from Swansea Council's guidance. The Welsh Local Government Association has published a 'Councillors Guide to Handling Online Abuse' and this is attached as appendix 2.

The Suzy Lamplugh trust has a range of personal safety guidance notes including canvassing and campaigning, dealing with aggression, lone working, hate crime and personal alarms that councillors may find useful whilst undertaking their role as councillors or while campaigning or working on behalf of a political party. These are available from this link: [Suzy Lamplugh guidance](#).



## **5. How does the decision contribute to the Corporate Priorities?**

This report does not directly contribute to the corporate priorities

## **6. What will it cost and how will it affect other services?**

No cost implications have been identified for this report.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

An impact assessment is not required for this report.

## **8. What consultations have been carried out with Scrutiny and others?**

None. This report was commissioned by the Democratic Services Committee.

## **9. Chief Finance Officer Statement**

Not required for this report.

## **10. What risks are there and is there anything we can do to reduce them?**

This report concerns the risks to members' personal safety and the measures to mitigate those risks.

## **11. Power to make the Decision**

No decision is required.

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## Personal Safety - Councillors Guide

The relationship between Councillors and their communities is at the heart of what being a Councillor is all about. The face-to-face contact when constituents can share problems and concerns is vital to enhancing that relationship. This guide aims to help Councillors carry out their role safely and effectively.

An important role of Councillors is to keep in touch with their communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of Council services. These contacts are usually rewarding and non-adversarial. Councillors become experienced in calming down and treating with respect and sympathy angry and frustrated residents who often resort to their elected representative when they feel that they are getting nowhere in resolving their problems through other channels.

The purpose of this guide is not to make Councillors nervous, but to set out what personal safety measures can be taken to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety. In general terms the guidance follows advice given to others who, by virtue of public duties or employment, meet many people whom they do not know.

### Car Safety and Parking

You need to take the same precautions as most car owners do:

- Have your keys in your hand or easily accessible;
- Consider whether an area will be dark and isolated when you return to your car;
- Park where possible, under street lighting;
- Lock the car doors when you get into the car;
- Take boxes/bags to the car when other people are around;
- Try to park on the left hand side of the road facing the way you want to drive off;
- In a cul de sac do not park facing the dead end;
- Try to park in a space where you will not be blocked in;
- At service stations always lock the car when you go to pay.

### Dealing with Emotional Constituents

It is inevitable that some of the people you will meet will be angry or upset. You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand.

Councillors have to develop the quiet skill of being concerned about constituents' problems without being so involved that they become too emotional to be of help. Calmness in the face of whatever comes up will help you and your constituents.

You may find that racist or offensive remarks are made. If they are directed at you - do not respond - this will only make the situation worse. Instead, bring the interview to an end as quickly as possible. If they are more general remarks, you should state that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology. Otherwise ask the person to leave. However, you must use your own judgement and if you are alone and in a vulnerable situation do not put yourself at risk no matter how angry the remarks make you.

## Ward Surgeries

Where ward surgeries are held, the arrangements each Councillor makes will vary according to local circumstances and it will be a fortunate Councillor who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents. What follows are suggestions about how to make a surgery safe and effective. Most Councillors will go through their entire service on the Council without experiencing any problems but a little time given to preparation and planning can reduce the already small risk further.

### The Basics

1	Do not hold surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently doing surgeries alone, discuss how this can be changed with fellow Councillors or Council Officers.
2	If you cannot avoid doing surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you, i.e. you should sit nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational).
3	If there is no separate waiting room, try to ensure that the waiting constituents are as far as possible away from those whom you are talking to.
4	Make sure there are no heavy items in the room that could be used as weapons.
5	Inform the Police when and where your surgeries are held.
6	<p>If you are at the stage of looking for suitable premises in which to hold a surgery, try to get a space with as many as possible of the following features:</p> <ul style="list-style-type: none"><li>• Council premises (e.g. community centres) during opening hours or other premises where there are many other people about.</li><li>• Premises where the names of any visitors for Councillors are recorded.</li><li>• Premises where there is a comfortable waiting area.</li><li>• Try to ensure the surgery (interviewing) room:<ul style="list-style-type: none"><li>○ Is in view of the reception or public area;</li><li>○ Is connected to the reception by an alarm and there is a procedure for dealing with call for assistance;</li><li>○ Has a vision panel in the door;</li><li>○ Has a swift means of escape and any visitors are not able to lock the door from the inside.</li></ul></li></ul>

## Personal Callers

Most Councillors seek to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity as to how to contact Councillors and details of ward surgeries reduces the chances of unwanted callers.

## Mail

As with telephone calls, Councillors on rare occasions can become the target of malicious anonymous letters. Any such letters should be given immediately to the Police.

### **Home Visits**

Councillors do sometimes visit residents in their homes, especially those who are elderly, disabled or where they simply want to see for themselves the conditions that are the subject of complaints.

It is for each Councillor to decide whether a particular visit should be made, especially if the person to be visited is unknown to the Councillor. Most Councillors trust their own instincts as to whether to meet someone alone. Sometimes the Councillor might prefer to be accompanied by a ward colleague or invite the person to a more public place. It is always advisable for you to keep a record of your whereabouts. If necessary, you can let the person whom you are visiting know there is such a record or that you are expected at another place by a certain time etc. or make a call on your mobile phone during the visit.

### **Malicious and Nuisance Telephone Calls**

Councillors occasionally get the odd nuisance or abusive call. Although such calls are likely to be rare, you might become the target of a persistent, anonymous caller with a grudge against the Council. These calls need to be dealt with in accordance with Police advice:

- Keep the caller talking;
- Note any clues the caller may provide as to sex, age, accent, etc.;
- Listen for any clues as to the caller's motive and intention;
- Write down the details immediately to assist police at a later stage;
- Listen for background noise that may provide valuable information (e.g. railway sounds, industrial noises, machinery, music, animals);
- Inform the Police;
- Inform the Council.

### **Reporting Incidents**

Any incidents of concern, even if fairly minor or 'near-misses', should be reported to the Police and Head of Democratic Services. This enables the authority to undertake proper monitoring and decide if any action is needed to prevent a recurrence. You may also consider it advisable to warn ward colleagues.

### **Emergency Contact Details**

It is advisable to provide this information to the Head of Democratic Services should it be necessary to contact your family / next of kin in the event of an emergency.

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# Councillors Guide to Handling Online Abuse

March 2018



Social media has become a powerful tool for councillors, helping them to engage with communities, raise awareness of community issues, events, or council initiatives and to seek views and receive feedback.

Social media however has its darker side; online abuse and bullying or 'trolling' has reached record levels and politicians, particularly women, are often the target of unacceptable, unpleasant and, sometimes, threatening online abuse.

### **“Abuse of public servants is unacceptable and the online abuse of councillors should not be tolerated”**

The abuse of public servants is unacceptable and the online abuse of councillors should not be tolerated. Councillors are committed individuals who invest a huge amount of time, energy and emotion into serving their communities and the public. Councillors do not often receive thanks or recognition for their efforts, but they should not expect abuse and harassment.

Being a councillor can be a challenging and often vulnerable role. In the era of austerity and cuts to public service funding, the Cabinet Secretary for Local Government Alun Davies AM recently recognised that ‘...the most difficult job in politics in Wales today is that of a councillor’. Councillors often take difficult or controversial decisions, which may affect the communities in which they live; councillors are local, accessible and visible and can therefore be subjected to personal challenge, criticism or, worse, abuse.

Elected politicians in general are increasingly subject to personal abuse and threats; these issues were explored and several recommendations were made in the December 2017 Report of the Committee on Standards in Public Life Review into ‘Intimidation in Public Life’.<sup>1</sup>

In February 2018, Prime Minister Theresa May MP announced that the UK Government intends to consult on making it an offence in electoral law to intimidate candidates and campaigners<sup>2</sup>. Politicians will continue to take a personal and collective stand in challenging intimidation, however until a change in law, candidates and politicians will unfortunately have to continue to seek support from colleagues in managing or reporting any abuse.

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/666927/6.3637\\_CO\\_v6\\_061217\\_Web3.1\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf)

<sup>2</sup> <https://www.gov.uk/government/speeches/pm-speech-on-standards-in-public-life-6-february-2018>

Online abuse is an unfortunate feature of modern society and it is difficult to prevent in the age of social media. Online abuse is on the increase; the overall number of ‘malicious communications’ recorded by Welsh police forces more than doubled in 2015, to 2,915 reports of cyberbullying, trolling, online harassment and death threats<sup>3</sup>.

Concerns about online abuse of councillors are growing<sup>4</sup> and several councillors who stood down at the 2017 elections did so due to general abuse from members of the public.

**“Challenge and scrutiny is a key part of democratic accountability and should be welcomed; but it should remain constructive and courteous”**

Challenge and scrutiny is a key part of democratic accountability and should be welcomed; but it should remain constructive and courteous. Some residents may feel frustrated about an issue or wish to raise a legitimate complaint; but it should be polite and respectfully raised.

Occasionally such instances can cross the line but can be managed as they are well-intentioned; other instances however can be malicious and vexatious.

Online abuse is sadly likely to be an inevitable downside of being a councillor, so it is important that councillors prepare themselves and consider the steps they can take to manage, minimise and respond to any incidents.

**“Councillors need to be particularly careful about what they post online themselves”**

Councillors need to be particularly careful about what they post online themselves. Councillors are expected to uphold the highest of standards and are subject to a statutory code of conduct. Councillors should therefore ensure that what they say and how they say things online do not cause undue distress or upset to members of the public or other councillors. The WLGA has produced a separate [Social Media Guide for Councillors](#) which outlines the “Dos and Don’ts” of social media and the legal and code of conduct risks (and protection) for councillors.

Some unsympathetically say that politicians should ‘grow a thicker skin’ and whilst it is true that councillors do have to prepare themselves for likely abuse and sometimes the best approach is to ignore it if you can, there are some approaches you can take, social media companies and, ultimately, the law are all on your side.

**“Social media companies and, ultimately, the law are on your side”**

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<sup>3</sup> <http://www.bbc.com/news/uk-wales-41729206>

<sup>4</sup> <http://www.bbc.co.uk/news/uk-wales-41263983>



Your response to a particular online post or to a repetitive troll however requires personal judgement, circumstances will vary and each post may require a different response depending on the nature and subject matter of the message, the history of the individual and so on.

This guide provides advice on how to manage or report online abuse or harassment and points you in the direction of online resources<sup>5</sup> which will guide you through the process of blocking, unfriending, muting, hiding or reporting online posts.

In summary, if you don't like a social media comment you might choose to ignore it or challenge it but if a social media comment is libellous, threatening or becomes harassment, you can take action and report it.

If you are concerned about any social media activity, you may wish to seek the advice of your Monitoring Officer in the first instance; should you wish to seek other support you may wish to approach the Head of Democratic Services or other councillors in your group or in your ward.



## Tackling abuse on Twitter™

### 1. “No tit for tat on twitter”

No matter how tempting it might be, entering a ‘tit-for-tat’ debate with a troll is a risky approach. You are unlikely ever to have the ‘last word’ and trolls, like all bullies, seek attention and are looking for a reaction; a response may just fuel them further.

#### “Shall I put you down as a ‘Maybe’ then?”

Humour and sarcasm can sometimes work: one councillor who received unpleasant abuse from a troll during the local elections succeeded in silencing the troll by responding: ‘Shall I put you down as a ‘Maybe’ then?’

Sometimes it can work and it can certainly make you feel better, but it may end up encouraging a more vitriolic and prolonged response and sarcasm does not always translate well on social media, so you may confuse or offend some of your normal followers as a result.

It is also more than likely that you will have many, many more followers than the troll will. Most trolls have few followers and many of them may be sympathetic to the troll's opinions and style. If you do decide to react and reply to a troll's tweet, all your many hundreds or thousands of followers will see the troll's original tweet and you will just help spread the

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<sup>5</sup> Links to resources are embedded in the text but are also included in footnotes, should the reader be using a hard copy version.

troll's abuse, allegations or misinformation on his or her behalf. On balance, it is probably not worth giving the troll the oxygen of publicity.

## **2. Whistling in the wind?**

Check to see if the troll has many followers and who those followers are. As noted above, the chances are that a troll will have few followers. If that's the case, no matter how concerning the comments made it is likely that few people (and few people you care about) will have seen them.

## **3. Your right of reply**

If a troll has posted some inaccurate information about you or the council, you may of course wish to set 'the record straight'. You should balance up the risks and likely success of this approach and, if the information is libellous, you may wish to receive legal advice or follow up through alternative routes.

## **4. Move the tweet into a different domain**

If the tweet is a complaint about a council service, ask for contact details and pass the information to officers to follow-up on. Inform the individual that this is the course of action you are taking. This may help defuse any tensions.

## **5. Take a record of the abuse**

If you have received online abuse, even if you are not overly concerned or if you intend to ignore it, you should consider keeping a record should any incidents escalate in the future. You can simply 'screen shot', 'clip' or 'snip' tweets on your phone or computer. You may also decide to warn the troll that you are keeping a record of all messages and may refer them to the appropriate authorities, which may scare them off posting further comments or might encourage them to delete them.

## **6. Dealing with defamation**

In addition to taking a record, if you believe that a tweet defames you (i.e. a false statement that could harm your reputation) there are several options you may wish to take. You may contact the individual initially to request that the tweet be deleted; some individuals may have made a mistake without malice and will remove their post immediately. Depending on the nature of the tweet and the number of followers who may have viewed the tweet, you may wish to seek a correction and/or an apology.

If this approach is unsuccessful or where a defamatory tweet causes serious concern or is part of a concerted campaign, you may wish to issue a 'notice and take-down' letter via your solicitor; although you may not have the intention of proceeding further, the threat of legal action is often a powerful deterrent and can prompt a swift and successful resolution. You may wish to seek informal advice from your Monitoring Officer, but a Monitoring Officer is unlikely to be able to become involved unless the defamer is another elected member (in which case it may be an alleged breach of the Code of Conduct).

## 7. Mute or Block Trolls

You may wish to unfollow, mute or even block a troll or someone who is persistently tweeting you. Guidance about to mute and block is available from Twitter, but in summary:

**Muting**<sup>6</sup> allows you to remove an account's Tweets from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can 'unmute' them at any time.

**Blocking**<sup>7</sup> allows you to restrict specific accounts from contacting you, seeing your Tweets or following you. Unlike muting, trolls can find out that they have been 'blocked' and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

According to Twitter, blocked accounts cannot:

- Follow you
- View your Tweets (unless they report you, and your Tweets mention them)
- Find your Tweets in search when logged in on Twitter
- Send Direct Messages to you
- View your following or followers lists, likes or lists when logged in on Twitter
- View a Moment you've created when logged in on Twitter
- Add your Twitter account to their lists
- Tag you in a photo

## 8. Report the abuse to Twitter

Twitter itself promotes 'Rules' encouraging constructive debate but it explicitly prohibits behaviour '...that crosses the line into abuse, including behaviour that harasses, intimidates, or uses fear to silence another user's voice.'<sup>8</sup>

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<sup>6</sup> <https://support.twitter.com/articles/20171399>

<sup>7</sup> <https://support.twitter.com/articles/117063>

<sup>8</sup> <https://support.twitter.com/articles/18311?lang=en#>

If tweets are so offensive that you believe they violate Twitter's rules, you can report them to Twitter who may decide to take action. For further information about how to report 'violations' visit Twitter's [How to report violations](#)<sup>9</sup> page.

## 9. Report the abuse to the Police

If someone sends threatening, abusive or offensive messages via any social networking site, they could be committing an offence. The most relevant offences are 'harassment' and 'malicious communications'.

According to the Police, harassment means a 'course of conduct' (i.e. two or more related occurrences) and the messages do not necessarily have to be violent in nature, but must be oppressive and need to have caused some alarm or distress.

An offence relating to malicious communications may be a single incident, but for an offence to have been committed, a message must be indecent, grossly offensive, obscene or threatening or menacing.

The Police advise that you may wish to initially report the matter to Twitter, but if you wish to report either of these alleged offences to your local police force, you should not respond to the message as it may encourage the sender and make the situation worse. The Police also advise that you take a screen shot of the message so if it gets deleted later there will still be a record of what was said.

Further information about social media and criminal offences is available via the [Police](#)<sup>10</sup> and [Crime Prosecution Service](#)<sup>11</sup>



## Tackling abuse on Facebook™

You can take a similar approach to responding to abuse and harassment as you would to Twitter or any other social media platform; you need to weigh up whether it's best to ignore, respond, refer, take legal advice or report any incidents.

That said, Facebook has slightly different '[Community Standards](#)'<sup>12</sup> and alternative methods of dealing with complaints.

<sup>9</sup> <https://support.twitter.com/articles/15789#>

<sup>10</sup> <https://www.askthe.police.uk/content/Q770.htm>

<sup>11</sup> [http://www.cps.gov.uk/legal/a\\_to\\_c/communications\\_sent\\_via\\_social\\_media/](http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/)

<sup>12</sup> <https://www.facebook.com/communitystandards#attacks-on-public-figures>

You are also more likely to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow councillors or your local council and some have been set up specifically with that purpose in mind. Scrutiny and constructive challenge should be supported, but if these groups are not moderated effectively, they can provide a conduit for abuse and harassment.

Although Facebook encourages respectful behaviour and takes action to protect '[private individuals](#)'<sup>13</sup> from bullying and harassment, it permits 'open and critical discussion of people who are featured in the news or have a large public audience based on their profession or chosen activities' but does take action around 'credible threats' and 'hate speech'<sup>14</sup>.

## Responding to abuse or harassment

There are a range of options for you to manage abuse or harassment on Facebook and full instructions are available on the [Facebook help page](#)<sup>15</sup>:

- If you want a post removed from Facebook, you can ask the person who posted it to remove it.
- If you don't like a story that appears in your News Feed, you can [hide it](#).
- If you are not happy with a post you're tagged in, you can [remove the tag](#).
- You can leave a [conversation](#) at any time, though the other people in the conversation will be notified and you will no longer receive messages from the conversation.
- You can [unfriend](#) or [block](#) another user; they will no longer be able to tag you or see things you post on your timeline.
- If the post goes against Facebook's Community Standards you can report it to Facebook.

## Responding to abuse or harassment in Groups or Pages

Scrutiny and constructive challenge should be supported, although both can provide a conduit for abuse and harassment from individuals or groups if they are not moderated effectively.

Your council may have a policy or tactic on communicating and engaging with such groups, particularly if they have been set up to criticise the council, so you should take advice from the council's communications officers.

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<sup>13</sup> <https://www.facebook.com/communitystandards#bullying-and-harassment>

<sup>14</sup> <https://www.facebook.com/communitystandards#attacks-on-public-figures>

<sup>15</sup> <https://www.facebook.com/help/408955225828742?helpref=search&sr=6&query=unfriend>

There is no right or wrong way with regards responding to a group or page which regularly criticises the council or councillors; some believe that it is beneficial to engage constructively, to explain, inform or signpost and hopefully improve awareness, understanding and support, whilst others are more reluctant as it will require emotional energy and time and the likelihood of successful engagement may be limited.

If you are concerned about comments or postings about you in a group or page, you can [report the post to the Group Administrator](#).<sup>16</sup> If you are concerned about a group that is abusive and you think it has broken Facebook's Community Standards, you can [report the group to Facebook](#).<sup>17</sup>

## **Managing and moderating your own Group or Page**

You may wish to set up your own personal, councillor or community page on Facebook. These are valuable platforms to promote local information, news, events or council developments or seek people's views on community or council proposals.

Members or the community and others can contribute and comment in an interactive manner and whilst most is constructive and uses acceptable language, some individuals may use bad language or 'cross the line' into abuse or harassment.

The use of bad language can sometimes be unintentional and if you are the group or page administrator you can politely rebuke the individual and advise on expected conduct and an apology is often forthcoming.

If you are a Group or Page administrator, Facebook provides you with a range of tools to manage and moderate other people's content or contributions to your Group or Page for more serious breaches of standards.

You can:

- Block certain words or apply a 'profanity filter' in the settings, this will stop such postings appearing in your page;
- Hide or delete comments, photos or tags; and
- Ban or remove someone from your pages.

Useful guidance and instructions are available on the '[Banning and Moderation](#)'<sup>18</sup> section of Facebook.

Administering a large Group can be a lot of work, particularly if group members are active. If that's the case, you might want to share the responsibility with other councillors, friends or

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<sup>16</sup> <https://www.facebook.com/help/436113899837980?helpref=search&sr=1&query=report%20to%20admin>

<sup>17</sup> <https://www.facebook.com/help/266814220000812?helpref=related>

<sup>18</sup> [https://www.facebook.com/help/248844142141117/?helpref=hc\\_fnav](https://www.facebook.com/help/248844142141117/?helpref=hc_fnav)

trusted community members. Guidance on making other people administrators or 'moderators is available on [Facebook](#)<sup>19</sup>.

## Tackling abuse on blogs

Blogs are a quick and easy way for members of the public or councillors to set up mini-websites to discuss and air views on matters of interest.

Occasionally, blogs may take an interest in local, community matters and some have been set up specifically to scrutinise the local council or councillors.

Whilst scrutiny is a key part of local democracy and accountability, on occasions, some blogs may make unfair comments or untrue allegations or may include abusive or threatening commentary. Unlike Facebook and Twitter, there are no 'community rules or standards' to moderate or challenge such content.

Depending on the nature of the comments, councillors therefore have several choices:

- Ignore the blog altogether and hope that few people read and become aware of the comments;
- Engage with the blogger and seek to assure, inform or correct the comments as appropriate. As with trolls however, this course of action may fuel and prolong the debate and abusive comments further; or
- If you are concerned that the blogger is harassing you, threatening you, spreading malicious communications or is defaming or libelling you, you may wish to record any evidence (e.g. take some screen shots) and seek further legal advice or refer the matter to the Police.

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<sup>19</sup> <https://www.facebook.com/help/148640791872225?helpref=search&sr=3&query=group%20admin>

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<b>Report to</b>	Democratic Services Committee
<b>Date of meeting</b>	4 October 2019
<b>Lead Officer</b>	Democratic Services Manager
<b>Report author</b>	Steve Price]
<b>Title</b>	Joint Scrutiny of the Public Services Board

## 1. What is the report about?

This report is an update on the progress of the joint scrutiny arrangements in place to scrutinise the Public Services Board.

## 2. What is the reason for making this report?

This report was requested by the Committee to provide an early overview of the joint Scrutiny arrangements.

## 3. What are the Recommendations?

That the Democratic Services Committee considers the progress of the joint scrutiny arrangements for scrutinising the Public Services Board.

## 4. Report details

In October 2018 Denbighshire County Council and Conwy County Borough Council established the Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee.

The Joint Committee fulfils a statutory requirement on local authorities to designate a scrutiny committee to scrutinise the work of the joint Public Services Board (PSB) for Conwy and Denbighshire. The view of the PSB and the local authorities was that a formal

joint Scrutiny committee was the most appropriate vehicle to effectively scrutinise a strategic cross-county board like the PSB.

A training and introduction session for the members of the new Joint Scrutiny Committee was held in February this year which outlined the main aims of the Committee:

- to hold Public Services Boards to account both democratically and locally
- to scrutinise the PSBs decisions and actions
- to scrutinise the PSBs governance arrangements
- to engage with the PSB when being consulted on its Well-being Assessments and Plans.

The training also included information on the work of the PSB to improve the economic, social, environmental and cultural well-being of the area as directed by the Future Generations (Wales) Act 2015, plus information about the Scrutiny Committee's own governance arrangements. Welsh Government guidance for local authority scrutiny committees on the scrutiny of PSBs is attached as appendix 1.

The Joint Scrutiny Committee held its first meeting in Bodlondeb, Conwy in May 2019 where it reviewed and endorsed the PSB's 2018 – 2019 Annual Report and its three priority areas of mental well-being, community empowerment and environmental resilience.

The second meeting of the Joint Scrutiny Committee was scheduled to be held on the 27 September 2019. This meeting was to have focused on the Environmental Resilience priority but has been postponed owing to the unavailability of the PSB organisation leading on the priority. The meeting will be rescheduled as soon as a new date has been agreed.

## **5. How does the decision contribute to the Corporate Priorities?**

No decision is required but the Council's Corporate Plan was developed in consultation with partner organisations, including the PSB partners. The PSB's Well-being Plan and the Council's Corporate Plan have complementary aims and activities.

## **6. What will it cost and how will it affect other services?**

The governance arrangements for the joint Scrutiny Committee allocate the lead scrutiny officer and committee officer support roles to the committee chair's authority. Councillor Brian Cossey of Conwy is the current chair so those support roles reside with Conwy, with additional support from Denbighshire's Scrutiny Officer.

The role of chair alternates every two years between the local authorities at which time the lead support role for the committee will transfer to Denbighshire.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

An impact assessment is not required for this progress report. However, the Democratic Services Committee's role in supporting effective scrutiny arrangements of the PSB will contribute to the PSB's delivery of its statutory role under the Well-being of Future Generations (Wales) Act 2015.

## **8. What consultations have been carried out with Scrutiny and others?**

None were required for this report.

## **9. Chief Finance Officer Statement**

Not required for this report.

## **10. What risks are there and is there anything we can do to reduce them?**

The joint scrutiny arrangements outlined in this report have been put in place to share resources and information in respect of the Scrutiny committee's role and to facilitate effective scrutiny of the PSB. A detailed terms of reference and rules of procedure was agreed by the two local authorities to clarify how these would be achieved.

## **11. Power to make the decision**

Section 35 of the Well-being of Future Generations (Wales) Act 2015

Section 58 of the Local Government (Wales) Measure 2011

Regulation 3 of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales)  
Regulations 2013



Llywodraeth Cymru  
Welsh Government

## Appendix 1

# Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards

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August 2017



We have been delighted to have produced the Guidance to Local Authorities on Scrutiny of Public Service Boards on behalf of Welsh Government and would like to thank all those that have been involved in its production, particularly the Welsh Scrutiny Officers' Network for their input, analysis and refinement.

## Ministerial Foreword




I am pleased to introduce this Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards.

The key message of the Well-being of Future Generations Act 2015 is for public bodies to come together to deliver improvements in the well-being of people and communities in Wales. An important part of this is for public bodies to account for their contribution to achieving the well-being goals.

This guidance is intended to help local authority scrutiny committees both to provide this accountability and support the development and improvement of Public Services Boards through the sharing of learning and experiences.

This new collaborative way of working is challenging for us all but the rewards, in the form of taking collective responsibility for improving and enhancing the lives of the citizens in Wales are immense.

I would like to thank Rebecca David Knight for her diligent and thorough work on this guidance and I hope it provides a useful and instructive guide for the scrutiny community.

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

Professor Mark Drakeford

Cabinet Secretary for Finance and Local Government





Ariennir gan  
**Lywodraeth Cymru**  
Funded by  
**Welsh Government**

## Introduction

The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became law on 29th April 2015 and became a requirement for public bodies in Wales from 1st April 2016. It puts long-term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

The Act defines public bodies doing something “in accordance with the sustainable development principle” as the body needing to act in a manner which seeks to ensure that the “needs of the present are met without compromising the ability of future generations to meet their own needs”. It is a notable piece of legislation in placing emphasis on organisational behaviour in the context of partnership working as a key driver of longer-term change in localities.

The Act sets seven national well-being goals which are to be achieved by public bodies acting in accordance with the sustainable development principle. The goals represent the shared vision for the public bodies listed in the Act to work towards. Moreover, the Act makes it clear the listed public bodies must work to achieve **all** of the goals, not just one or two.

The Welsh Government has issued comprehensive statutory guidance on the Act “Shared Purpose: Shared Future” which describes in detail the well-being duties on public bodies. This guidance may be found [here](#).

In wishing to support models of local government scrutiny that facilitate effective collaborative working, the Welsh Government has commissioned Centre for Public Scrutiny (CfPS) to develop guidance detailing the contribution scrutiny may make to Public Services Board governance and delivery arrangements.

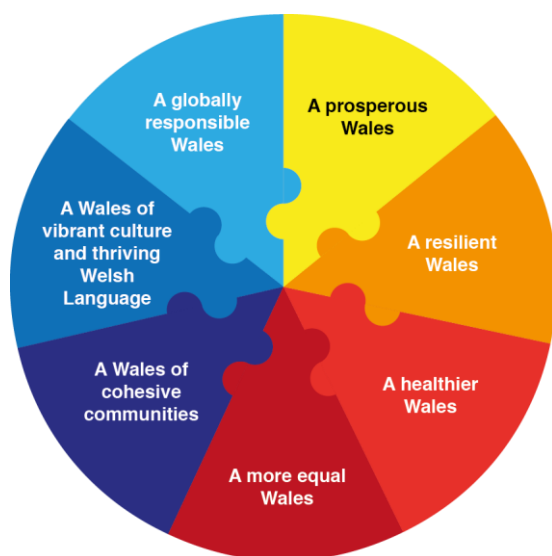
## Public Services Boards

The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. Each PSB must undertake a local well-being assessment to inform a local well-being plan, detailing how their area will achieve the sustainable development principle in working towards the seven national well-being goals. Furthermore, PSBs must invite relevant voluntary organisations along with Welsh Ministers, the local Police and Crime Commissioner and the local Chief Constable to participate on the board.

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To ensure PSBs are democratically accountable, the Act places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions contained in the Act, overview and scrutiny committees have extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. In addition, overview and scrutiny committees are provided with considerable reporting powers as they are required to share copies of any reports or recommendations made in connection with the board's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

A pre-requisite to effective local government scrutiny is a deep understanding of the legal definition of the goals and the sustainable development principle (sometimes described as "the five ways of working"). The well-being goals are reproduced below.. A discussion of the sustainable development principle as it relates to the practical work of overview and scrutiny committees is provided later on in the document.



### **What is the purpose of the guidance? Who is it for?**

The guidance sets out practical advice for overview and scrutiny practitioners based on evaluations of previous local service board (LSB) accountability mechanisms, emerging practice of public services board overview and scrutiny arrangements, and research on partnership governance more generally.

It also aims to provide practitioners with an understanding of the purpose of strategic partnership scrutiny more generally by suggesting a series of outcomes it should work towards. It can be the case that elected members, council officers or partners may not understand the utility or validity of local authority led accountability which is why efforts have been made to identify what positive

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impact local government scrutiny in particular can result in. To be effective, it is important that everyone involved understands and welcomes the value of scrutiny.

It is important therefore, to highlight that each local authority should develop arrangements that best meet local circumstance. This is important given the Act's focus on utilising **place**-based resources in achieving **place**-based change.

This guidance is not statutory guidance. However, failure to consider principles informed by good practice is likely to result in scrutiny mechanisms which lack impact and inadequately supports the PSB as a strategic partnership. The risks associated with poor collaborative governance arrangements include weakened decision making, additional complexity, fragmented accountability, lack of transparency and poorer well-being outcomes.

### **Clarifying the strategic function of public services board scrutiny**

The statutory guidance "Shared Purpose: Shared Future 3 – Collective role (public services boards)" identifies that the Well-being Act relies predominantly on local government overview and scrutiny committees to secure **continuous improvement** in local integrated planning<sup>1</sup>. It specifies that local authority overview and scrutiny is the means by which the Act assures democratic accountability for partnership working in a locality<sup>2</sup>.

As such the purpose of PSB overview and scrutiny is to take an overview of the board's overall effectiveness through the provision of democratic challenge. However, to assist councils in the development of individual arrangements, it is important to provide some explanation regarding how local government overview and scrutiny can add value to collaborative working to better understand the factors underpinning effective practice.

### **What is the purpose of PSB overview and scrutiny? What is it meant to achieve?**

Research into different forms of partnership governance and area based change programmes identify that capitalising on the representational value of elected members' community leadership role can result in the following beneficial effects for partnerships:

- 1. Provision of a supportive space for reflection and self-analysis:** In exploring the extent to which PSB activity may be said to result in 'collaborative advantage' as it relates to the seven well-being goals and five ways of working, local government overview and scrutiny arrangements can provide a supportive space in which attention can be paid to partnership relationships. Impartial, evidence based scrutiny can encourage reflexivity and reflection on the impact of different behaviours upon the PSB's overall performance, encouraging feedback and open discussion at all levels.

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<sup>1</sup> "Shared Purpose: Shared Future 3 – Collective role (public services boards)" paragraph 173.

<sup>2</sup> "Shared Purpose: Shared Future 3 – Collective role (public services boards)" Paragraph 174.

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- 2. Enhanced democratic accountability and improved transparency:** Councils derive their 'Local Authority' from the democratic legitimacy of elected members. The closer accountability gets to citizens, the more credible and valid it becomes in seeking public account from those with power. Partnership scrutiny provides a grounded check and balance to collective decision making by testing assumptions, examining risks and challenging how resources are prioritized. Improving transparency in this way can help the PSB identify how to better align resources, services and institutions around the needs of people and places.
  - 3. A stronger focus on improving local citizen's lives:** In clarifying different contributions to delivery and seeking to improve services from the citizen's perspective, overview and scrutiny can help PSBs stay focused on joint outcomes. Local challenge can help determine whether PSBs are facilitating whole-system approaches to shared problems or whether partners experience constraints that are counterproductive to working as one Welsh public service. A deeper understanding of these issues can assist the development of more 'networked' forms of accountability at local and national level which better supports implementation of the Act.
  - 4. Place based transformation through deeper public engagement:** Elected members are able to channel a wide range of community intelligence into decision making processes. Through their role they are able to invite, authorise and legitimise stakeholder contributions as a horizontal rather than vertical form of accountability. This can help refocus the balance of power between services and the citizens they serve. Not only is this able to help the PSB ensure services are more responsive to local need and aspiration but, in enabling shifts in perspective to occur, so too can new assets and resources be identified.

Research tells us that accountability within partnership environments is complex and that failure to properly understand how different accountability agents work together may lead to situations which hamper effective collaboration<sup>3</sup>. Conversely, 'softer' forms of accountability such as local overview and scrutiny which are grounded in local context and which seek to use exploratory challenge to strengthen partnership working, can help PSBs embed a 'culture of responsibility' in its activities and ways of working.

#### **What are public services boards accountable to overview and scrutiny for?**

Public services boards (PSB) are accountable to overview and scrutiny committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals in accordance with the sustainable development principle.

In developing PSB overview and scrutiny arrangements however, it is important to acknowledge the overlaps that exist between the functions of board members as public bodies under the provisions contained in Part 2 of the Act, and the functions public bodies carry out jointly as members of the

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<sup>3</sup> Office for Public Management, [Total Place – Lessons Learnt](#), 2009, p 3.

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public services board contained in Part 4 of the Act. This is unsurprising given the requirement placed on public bodies and PSBs to act in accordance with the sustainable development principle which regards deeper collaboration and integration as central to the achievement of local well-being goals.

This is most clearly demonstrated within the Act in section 7(2) which provides that the well-being objectives of a public body that is also a member of a public services board may be included in that board's local well-being plan. In determining what overview and scrutiny committees can hold the PSB to account against, however, important questions are raised regarding who has ownership of 'joint' well-being objectives and who is ultimately responsible for delivery. Partners have multiple responsibilities but these shared responsibilities should not mean diminished accountability.

In considering the roles of the Auditor General in Wales and the Future Generations Commissioner for Wales as they relate to ensuring the statutory duties of public bodies are being met, it is crucial that local government overview and scrutiny form part of an 'accountability eco-system' that offers a mutually supportive approach to governance. These issues will be discussed in more detail when we consider the powers overview and scrutiny committees have in examining the performance of PSBs and the methodological implications of determining the 'added value' brought about by the PSB as a statutory partnership.

### **Functions and responsibilities of public services boards**

Chapter 2, section 36 of the Act sets out the functions of public services boards which are to;

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

Section 36 (3) specifies that public services boards are required to carry out its functions in accordance with the sustainable development principle sometimes referred to as the which is defined in section 5 of the Act and summarised in the following table:

### **The sustainable development principle**

1. The importance of balancing short term needs with the need to **safeguard the ability to meet long term needs**, especially where things done to meet short term needs may have detrimental long term effect;
2. The need to take an **integrated** approach, by considering how—
  - (i) the body’s well-being objectives may impact upon each of the well-being goals;
  - (ii) the body’s well-being objectives impact upon each other or upon **other public bodies’** objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
3. The importance of **involving other persons** with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population;
4. How acting in **collaboration** with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist **another body** to meet its objectives;
5. How deploying resources to prevent problems occurring or getting worse may contribute to meeting the body’s well-being objectives, or **another body’s** objectives.

From an accountability perspective, the Act is unique in emphasising that the process of partnership working via the sustainable development principle is **central** to the PSB’s progress in working towards well-being goals. The actions partners take as ‘public bodies’ under the requirements of the Act have a direct bearing on the PSB’s effectiveness as a corporate body. This may make it difficult at times for overview and scrutiny committees to determine the added value brought about by collaborative working.

As such, in discharging its accountability functions, committees should not lose sight of the need to explore the contribution of individual PSB members as it relates to the overall performance of the PSB itself. This approach will take into account levels of partnership commitment to working in accordance with the sustainable development principle and necessitate co-ordinating activities with evidence from the Future Generations Commissioner’s office.

### **Examining the powers of local government overview and scrutiny committees**

The Act provides the legislative basis by which local government overview and scrutiny committees can act as a powerful driver of place-based collaborative working. It places a requirement on local authorities to ensure a designated overview and scrutiny committee has power to;

- a) **review or scrutinise the decisions made or actions taken by the public services board;**
- b) **review or scrutinise the board's governance arrangements;**

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**c) make reports or recommendations to the board regarding its functions or governance arrangements;**

**d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and**

**e) carry out other functions in relation to the board that are imposed on it by the Act.**

In exercising its powers, overview and scrutiny committees can **require** members of the PSB (or a designated representative) to attend committee meetings to provide explanation in response to committee lines of inquiry.

Whilst committees can require any statutory member of the board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board. This does not preclude overview and scrutiny committees interviewing individual partners to assess their contribution to collaborative delivery. This power includes any person that has accepted an invitation to participate in the activity of the PSB.

Furthermore, the Act stipulates that an overview and scrutiny committee **must** send a copy of any report or recommendation made in connection to its functions to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.

### **Roles for overview and scrutiny committees**

There are three main roles overview and scrutiny committees may engage in providing democratic accountability to the PSB.

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a sub-committee or task and finish group.

#### **(i) Reviewing the PSBs governance arrangements**

In providing committees with the power to review the board's governance arrangements, elected members have the means to examine the systems and processes by which the PSB functions, as well as the ability to review its activities and outputs. In this way, committees are empowered to develop a more rounded analysis of how the quality of partnership working affects the economic, social, environmental and cultural well-being of their area.

A review of the PSBs governance arrangements may include examination of the PSBs terms of reference (as described in statutory guidance), and may consider:

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### **Decision making and forward work planning**

- The board's terms of reference and how it plans and manages its forward work programme.
- How the board makes decisions as a strategic partnership.

### **Membership and Engagement**

- What change needs to happen within the PSB and wider partnership framework to embed the sustainable development principle?
- How the board involves people who are interested in the improvement of well-being in an area and how it is ensured that those persons reflect the diversity of the population of the area served by the board.
- The procedure for resolving disagreements between members relating to the board's functions.
- How the board manages its membership to include examination of statutory member representatives, invited participants and the extent to which designated representatives have the authority to make decisions on behalf of the organisation they represent.
- How the board seeks to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work.

### **Performance management arrangements**

- How the board monitors and reports progress, to include consideration of performance indicators and standards for public service boards (where they have been set).
- The functions and performance of any sub-groups established by the board.
- How the board identifies and manages risk.
- How the board interrelates with the Auditor General in Wales, the Future Generations Commissioner and the Welsh Ministers with regard to discharging its statutory functions.
- How the PSB assesses and learns from its own performance.

### **Resources and relationship building**

- How the board resources the functions it must undertake which are a responsibility of all the statutory members equally. For example, the undertaking of the local well-being assessment and the development of the local well-being plan.
- The level of investment the PSB think necessary to make in strengthening relationships between different members to help the board function effectively as a team.



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- The level of resource the PSB thinks necessary to support effective governance practices including preparation of evidence for overview and scrutiny.

In addition to reviewing the PSB's governance arrangements, overview and scrutiny committees have wide-ranging powers to review or scrutinise the decisions made or actions taken by the public services board.

These investigative powers serve to enable overview and scrutiny fulfil two additional roles; firstly, as a statutory consultee regarding the draft well-being assessment and well-being plan, and secondly to monitor how effective the PSB performs collectively in implementing the well-being plan and reflecting on performance to better contribute to the PSB's planning cycle.

#### **(ii) Scrutiny as statutory consultee**

The Act identifies that the public services board must consult with overview and scrutiny committees (in addition to other named consultees) regarding the preparation of both its assessment of local well-being and its local well-being plan.

##### **- Well-being Assessment**

In being consulted upon the PSBs draft well-being assessment, overview and scrutiny committees may wish to explore the following as a means to help strengthen its process and content:

1. Whether locally determined outcomes have been developed. If so, what is their relationship to the well-being goals?
2. The extent to which the process of developing the assessment has been undertaken according to the sustainable development principle. For example, how have different organisations worked together using the five ways of working to develop a comprehensive assessment of economic, social, environmental and cultural well-being of the area?
3. The way in which information from the population assessment required under the 2014 Social Services and Well-being Act has been triangulated with the well-being assessment. Does the assessment provide some analysis as to how identified needs correspond to conditions of well-being and place?
4. Does the assessment include in its analysis the well-being of categories of persons such as people considered to be vulnerable, people possessing a protected characteristic, children (including looked after children, those in foster care and care leavers), carers and people who may have need for care and support?
5. How well have the enablers and barriers to well-being been identified over the short, medium and long term?
6. The extent to which the assessment has identified the area's strengths and assets and how these might be utilised to help prevent problems occurring or getting worse in future.

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7. How robust is the evidence base underpinning the assessment? Do different types of evidence contradict each other? What gaps in evidence have been identified as a result of the assessment and how these are intended to be addressed?
  8. Whether attempts have been made to identify what improvement would look like as it relates to economic, social, environmental and cultural well-being in the area. What would indicate that improvements were being made or not?
  9. Have attempts been made to provide some comparison of well-being within Wales and with other high performing areas across the UK?
  10. Does collaborative working encourage deeper integration across public bodies and organisations, and is this likely to result in better experiences for citizens when undergoing transition between service providers?

- **Well-being Plan**

In being consulted upon the PSBs draft well-being plan (or any changes made to an amended well-being plan), overview and scrutiny committees may wish to divide their consideration into two components:

- How local objectives have been set,
- the steps the board proposes to take to meet identified objectives.

**Setting objectives**

In considering how the PSB has set collective objectives, an important role for overview and scrutiny is to determine the relationship between the **individual** well-being objectives that have been set by PSB Members as public bodies, and the well-being objectives that have been **collaboratively** identified by the PSB.

To assist them to strengthen the overall quality of the plan, overview and scrutiny committees will have access to the advice the Future Generations Commissioner will have provided to the PSB. This will provide information on how the PSB may take steps to meet their local objectives in a manner which is consistent with the sustainable development principle.

It is also important to highlight that the Act provides for the Welsh Ministers to refer a PSB's well-being plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

In evaluating the quality of the plan, overview and scrutiny committees may wish to explore the following issues with members of the PSB:

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1. How has the well-being assessment been used to identify well-being objectives?
  2. How responsive are the objectives to addressing the issues arising from analysis of the well-being assessment? What evidence is there to show this?
  3. What is the 'theory of change' behind the formulation of well-being objectives? Is the PSB able to describe and illustrate how and why a desired change is expected to happen **over time** within the local context.
  4. How do the objectives link to the well-being goals, and how do the objectives relate to one another?
  5. How is it possible to see the extent to which the objectives have been set in accordance with the sustainable development principle?
  6. Can it be said that the well-being plan reflects where the board has decided that collective action can be taken to have a positive impact on well-being in the area?
  7. How do the PSB's well-being objectives correspond to the individual well-being objectives of the partners constituting the PSB? To what extent have they been reproduced in the well-being plan?
  8. What evidence is there to show that the PSB have set objectives that maximise the 'collaborative advantage' that can be brought about by partnerships? How is the PSB able to show it is aiming to create new value through its well-being objectives?
  9. How far do the objectives reflect the PSB's level of ambition for improving the well-being of people and place?
  10. How far has advice from the Future Generations Commissioner and other Welsh Government Commissioners been taken into account when developing the plan?

### **Action planning**

Paragraph 97 of the statutory guidance identifies that the board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. However, the guidance specifies that it is for the board to:

"...form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area."

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As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions<sup>4</sup> relate to ownership, the sustainable development principles, time-frames and their likely impact on delivery. Committees may wish to consider the following questions:

1. How likely is it that the actions identified relate to the achievement of the well-being objectives?
2. How can it be evidenced that the actions identified represent the maximum agency and influence able to be committed by the PSB working collectively?
3. How well are the time frames in which actions are intended to take place specified? Does the plan provide for opportunities to review and reflect on whether actions are resulting in desired impact, or whether a change in approach is needed?
4. Who is responsible for delivering on the actions leading to the achievement of objectives?
5. How do the actions identified in the plan link to the actions of partners that are engaged in the work of the PSB?
6. How has advice and guidance provided by the Future Generations Commissioner been used to enhance the quality of the action plan?
7. How will the PSB be able to assess whether identified actions are resulting in measurable change in the short, medium and longer term?
8. To what extent will user experience be used to determine the impact actions are having upon different aspects of well-being in different parts of the area?
9. What flexibility does the PSB have in changing actions contributing to local well-being objectives if needed?

### **Assessing delivery of the Well-being Plan**

A PSB is required to prepare and publish a report detailing the progress made towards meeting local well-being objectives no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity. Subsequently, an annual report must be published no later than one year after the publication of each previous report. The PSB must send a copy of its annual report to overview and scrutiny.

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<sup>4</sup> The actions referred to in the questions may be interpreted as the 'steps' taken by the PSB to meet local objectives.

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An important role for overview and scrutiny is to monitor and assess how well the PSB has delivered as a collaborative partnership on the actions intended to achieve local well-being objectives. It may wish to explore the following issues with members of the PSB:

1. To what extent have intended actions been delivered within the timescales specified? How much progress has been made towards meeting the well-being objectives? How far have the PSB's expectations been met?
2. What lessons has the PSB learnt as a result of progress to date? How will these lessons be incorporated into the PSBs planning cycle and how the PSB operates as a partnership?
3. What have been the resource implications of delivering on the well-being plan?
4. How has delivering as a collective impacted on the delivery of individual well-being objectives in accordance with the sustainable development principles?
5. What unintended consequences have arisen from delivering against the well-being plan? What are the main factors that have impacted upon delivery?
6. What gaps in data have been identified as a result of delivery? How have these gaps been identified?
7. To what extent has service user experience been used to assess collaborative performance delivery? What other methods have been used to evaluate effectiveness and impact?

### **Exploring what makes for 'effective' PSB overview and scrutiny practice**

An important role for overview and scrutiny committees in providing democratic accountability is its ability to monitor and scrutinise the performance of the PSB both in terms of how it operates as a board, and how it delivers on its strategic requirements. However, research on partnership scrutiny identifies that whilst local government models can be effective in helping deepen integration, failure to develop good quality relationships with partners at the outset can be counterproductive to the delivery of shared outcomes.

In developing PSB accountability arrangements, it is worth highlighting that the language associated with scrutiny has the potential to be unhelpful in creating an environment in which challenge is welcomed as an opportunity for enhanced learning and self-reflection. For example, the term 'holding to account' may suggest an uneven and oppositional relationship between PSB partners and overview and scrutiny committees.

This can have the effect of creating unnecessary tension and misunderstanding about the aims and intent of elected members involved in reviewing the PSB's collective performance. As the style of scrutiny and methods adopted by committees have a direct effect on the quality of interaction between themselves and PSBs, care should be taken to develop partnership scrutiny in a way that

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shows commitment to the sustainable development principle. For scrutiny to be effective, it needs to lead by example.

Research into the practice of collaborative or joint scrutiny in England and Wales identifies that arrangements are effective when they demonstrate the following characteristics:

#### **Characteristics of effective partnership scrutiny**

- Scrutiny regards itself as a form of ‘critical friendship with positive intent’ in which scrutiny practitioners act as advocates for the success of joint working.
- Collaborative performance is evaluated from the citizen’s perspective.
- Strong efforts are made to understand the complexity of partnership arrangements and to facilitate learning about the culture and assumptions of different organizations.
- Scrutiny creates positive expectations by focussing on issues regarded as useful to the partnership or where there is consensus that ‘things need to change’.
- Scrutiny demonstrates intellectual independence and investigative rigour in all of its activities.
- Scrutiny demonstrates a positive impact by developing clear, timely, evidence-based recommendations aimed at enhancing collaborative performance.
- Scrutiny critically evaluates its own performance utilising partnership perspectives.

The above characteristics are complementary to the ‘Characteristics of Effective Scrutiny’ framework developed by the Welsh Scrutiny Officers’ Network and referenced within the William’s report on Public Service Governance and Delivery in Wales. In recognition of their utility, it is worth highlighting that the Williams report advocated the framework be developed further to ensure a ‘best practice approach to scrutiny, not least required’ was embedded in Welsh public service delivery<sup>5</sup>.

#### **Developing effective relationships with the PSB**

Given that the performance of democratic accountability rests on effective working relationships with the PSB, it is important that councils give thought to the nature of scrutiny’s interaction with partners when establishing scrutiny arrangements.

Working in partnership with the PSB, local government scrutiny functions may wish to co-produce a shared vision for PSB scrutiny arrangements which provides clear direction on the outcomes scrutiny are meant to achieve and the guiding principles that shape its work.

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<sup>5</sup> The Williams report can be found here: <http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>. References to the ‘Characteristics of Effective Scrutiny’ may be found on page 133.

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The main levers by which relationships can be influenced include approaches to co-option and the methods by which scrutiny interacts and communicates with the PSB, namely how it handles partner invitations to scrutiny meetings, requests for information and reporting arrangements for scrutiny's reports and recommendations.

As a means to clarify responsibilities, expectations and behaviours, councils may wish to consider developing a guide or protocol for the benefits of the PSB membership. This might provide a useful opportunity for communicating to the PSB a positivist approach demonstrating how scrutiny contributes to local place-based leadership. Wrexham County Borough Council has used its previous Local Service Board scrutiny protocol as the basis of a new protocol for governing its relationships with the Public Services Board.

The protocol is notable for detailing PSB partner's 'commitment to co-operate' with the Council's scrutiny committees. For example, it provides that:

- PSB Partners are provided with information on how to access the Scrutiny process, for example they may request that an issue is presented for scrutiny and have access to relevant information on the Scrutiny Committee timetables and work programmes.

And,

- Explains how the committee's views/recommendations will be communicated following scrutiny and how the PSBs views will be fed back to scrutiny.

In support of the protocol's application, the Council's scrutiny facilitators adopt a pro-active approach to working with the PSBs support officer in co-ordinating the PSB and scrutiny's forward work programmes.

A copy of the protocol may be found at Appendix 1.

#### - **Overview and scrutiny structures**

Whilst it is a requirement of the Act that councils must designate an overview and scrutiny committee to scrutinise the work of the public services board, it is up to each local authority to determine its own arrangements. Emerging practice of PSB scrutiny arrangements identify distinct models which include:

1. Utilising an existing overview and scrutiny committee to comply with the requirements of the Act. Usually this committee also undertakes scrutiny of local Community Safety Partnerships under the provisions made in the 1998 Crime and Disorder Act. Examples include Caerphilly County Borough Council's [Partnerships Scrutiny Committee](#)
2. Establishing a dedicated committee specifically for scrutinising the work of the local PSB such as Monmouthshire County Council's [Public Services Board Select Committee](#)

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3. Establishing a dedicated scrutiny panel as a sub-committee of the council's designated public services board overview and scrutiny committee. For example, see Swansea City Council's [Public Services Board Performance Panel](#)
  4. Establishing a dedicated joint overview and scrutiny committee to undertake collaborative scrutiny of a merged public services board. For example, the [Cwm Taf Public Services Board Joint Overview and Scrutiny Committee](#) has recently been established by Merthyr Tydfil and Rhondda Cynon Taf County Borough Councils, representing the first formal joint overview and scrutiny committee in Wales. The joint committee comprises equal membership of councillors from each participating council and was established in accordance with requirements of the Well-being of Future Generations (Wales) Act, 2015 taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure, 2011 and associated statutory guidance. Further details may be found [here](#).

Although the structures might look dissimilar, the activities intended to be undertaken are broadly the same. However, regarding the membership of PSB scrutiny arrangements, research from previous joint scrutiny models identifies that co-option can make a big difference to the positive contribution able to be made to partnership governance arrangements.

#### **Co-option and collaborative working**

*"The partnership approach to the scrutiny of the work of the LSB has brought great value to the outcomes. Partners bring differing perspectives that broaden the constructive challenge, and also lead to scrutiny being informed and truly probing.*

*I do believe that the LSB's partnership delivery of services around domestic abuse will improve as a result of our work."*

(Co-opted Member, Rhondda Cynon Taff's LSB Scrutiny Working Group, April 2011).

The evidence from overview and scrutiny committees in Wales is that the contribution of co-opted members on committees can significantly strengthen their effectiveness. In thinking about how scrutiny arrangements may seek to work in accordance with the sustainable development principles, co-option offers opportunities to enhance collaborative working.

Existing statutory provision under section 76 of the 2011 Local Government (Wales) Measure enables the co-option of persons that are not members of local authorities onto overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. **Statutory guidance accompanying the 2011 Measure provides additional advice and detailed case studies.**

Evidence from those councils utilising multi-agency approaches to Local Service Board scrutiny identified the following four benefits from adopting an integrated approach to partnership working. These have been summarised as follows:



### Findings from multi-agency scrutiny arrangements

- The inclusion of partner representatives into democratic scrutiny processes was found to break down organisational fragmentation when analysing joint delivery of cross-cutting themes.
- Greater democratic influence within partner organisations was considered as helping reduce the 'democratic deficit' within public organisations.
- Reports and recommendations from scrutiny were considered to be more palatable to local strategic partnerships due to integration of partners within the scrutiny process. This was considered important in reinforcing scrutiny's credibility and integrity and allaying partnership concerns regarding undue 'political interference'.
- Greater innovation and engagement: a strong culture of accountability was considered supportive of transformational change and improvement in promoting wider dialogue from which creative solutions may be found. It was found that embracing different points of view enabled shifts in perspective to occur as demonstrated by Rhondda Cynon Taff's use of 'experts by experience' when considering joint approaches to the reduction of domestic violence.

In wishing to work collaboratively with the PSB, Swansea City Council's Public Services Board's Performance Panel sought to invite (rather than co-opt) non-executive members of partner organisations comprising the PSB. This included the following:

<b>Public Services Board Statutory Members / Invited Participants</b>	<b>PSB Performance Panel Invitee</b>
Abertawe Bro Morgannwg University Health Board (Statutory Member)	Non-executive Board Member
Mid and West Wales Fire and Rescue Service (Statutory Member)	Member of the Performance, Audit and Scrutiny Committee , Mid and West Wales Fire Authority
Natural Resources Wales (Statutory Member)	Non-executive Board Member
The Chief Constable of South Wales Police (Invited Participant)	Member of the South Wales Police and Crime Panel
The South Wales Police and Crime Commissioner (Invited Participant)	
Probation Service Representative (Invited Participant)	Non-executive

Swansea Council of Voluntary Services (Invited Participant)	Non-executive management Committee Member
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The PSB Performance Panel also identified its ability to co-opt additional members on a temporary basis the length of which to be determined by the Panel. The Panel further stipulated that co-optees should not be acting in an executive capacity for any of the Public Services Board partner agencies and may only be invited to join the Panel with the unanimous agreement of Panel members.

The important point to highlight is the ability of local government overview and scrutiny arrangements to pro-actively engage partners more deeply in its work. In doing so elected members can send powerful messages to the PSB regarding its commitment to effective partnership working through their own structures and practice. This can lead to the creation of enhanced trust and mutual respect in creating accountability relationships that promote dialogue and learning as the key drivers underpinning performance improvement.

However, approaches to partner engagement in the work of scrutiny is **specific to each local authority** and that what “works” for one Council may not directly transfer to another. The crucial issue here is the degree of commitment scrutiny shows in ensuring partners can influence and inform its investigative work.

In evaluating the added value brought about by strategic partnership working, scrutiny can boost its credibility in leading by example.

### **Reports and Recommendations**

Section 35 (2) of the Act requires overview and scrutiny committees to send a copy of any report or recommendation with respect to the board’s functions or governance arrangements to the Welsh Ministers, the Future Generations Commissioner (FGC) for Wales and the Auditor General for Wales.

This requirement has been regarded by some as detracting from scrutiny’s ability to develop ‘softer’ styles of accountability where power relies on its ability to persuade, advise and influence. This can give rise to anxiety that widespread reporting of partnership performance by scrutiny, particularly given the long-term timescales associated with achieving improved well-being, can place unhelpful pressure on PSBs to skew activity towards what is immediately measurable rather than foster more innovative and creative behaviour.

An alternative point of view is that the provision compels local government overview and scrutiny to more proactively correspond with other accountability agents such as the Auditor General in Wales and the Future Generations Commissioner as part of a networked model of accountability. In sharing intelligence about different aspects of partnership performance, scrutiny can add to a wider body of knowledge aimed at better understanding and supporting drivers of collaborative performance. In addition, regarding the role of the Future Generations Commissioner in guiding and advising PSBs to work in accordance with the sustainable development principle, analysis and recommendations arising from local scrutiny may help better focus support and assistance.

Consequently, local government scrutiny arrangements may wish to give thought to how to match the most appropriate method of communication with the degree of intended formality best suited to local circumstance. For example, some councils may wish to utilise Chair’s letters rather than formal reports in providing the PSB with spontaneous feedback as opposed to ‘escalating’ formative

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observations to national level. Adoption of a more flexible approach has been reported as having the effect of partners perceiving scrutiny's formal reporting mechanisms as influential 'backstop powers' which in turn has encouraged greater co-operation and a more collegiate relationship with local government scrutiny.

In thinking about how scrutiny wishes to engage the PSB in developing lines of inquiry, requesting evidence, scoping future work items and establishing ways of working it might be the case that the use of Chair's letters or presentations at meetings of the PSB may be most appropriate methods of communication. Similarly, less prescriptive ways of exchanging information may be more suitable when communicating with the PSB informal feedback regarding scrutiny's initial analysis, findings and draft conclusions relating to collaborative performance.

Regarding utilising more formal powers of reporting, it is suggested that scrutiny take appropriate steps to ensuring reports and recommendations are evidence based and describe a suggested course of action to be taken to solve a shared problem. Moreover, to have impact and credibility, recommendations to the PSB should have a clear rationale and be written as statements indicating a directional change of action. In thinking about the validity of conclusions made about the PSB's performance by scrutiny, these should clearly link to scrutiny's original research focus and methods of inquiry in accordance with practice detailed in the 'Characteristics of effective scrutiny' framework.

In accordance with the Act, copies of reports and recommendations should be sent to the Future Generations Commissioner, the Auditor General in Wales and the Welsh Ministers. Given that the minister with lead responsibility for PSBs is currently the Cabinet Secretary for Finance and Local Government, copies of formal reports and recommendations should be sent to the Local Government Partnership team who may arrange that any additional ministers are briefed according to their areas of responsibility.

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Democratic Services Committee Forward Work Programme

Meeting	Item (description / title)	Purpose of report	Author – Lead member and contact officer	Date Entered
20 March 2020	Representation, Diversity and Democracy	Arrangements to encourage a diverse / representative range of candidates.	Cllr Richard Mainon / Steve Price	March 2019
	Independent Remuneration Panel for Wales' Annual Report	To consider the IRPW's decisions on allowances and support for 2020 – 2021	Cllr Richard Mainon / Steve Price	tbc
	<i>Information Report WLGA Member Support Network</i>	<i>To supply information discussed by the WLGA's network</i>	<i>Steve Price</i>	<i>March 2019</i>
2 October 2020				

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Note for officers – Democratic Services Committee Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
<i>March 2020</i>	<b>6 March</b>	<i>October 2020</i>	<b>18 September</b>		

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Democratic Services Committee work programme.doc

Agenda Item 9

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