

## **PERFORMANCE SCRUTINY COMMITTEE**

Minutes of a meeting of the Performance Scrutiny Committee held by video conference on Thursday 10 June 2021 at 10.00 am.

### **PRESENT**

Councillors Ellie Chard, Martyn Holland, Hugh Irving, Bob Murray, Paul Penlington, Arwel Roberts (Chair), Pete Prendergast, Peter Scott and Andrew Thomas

Co-opted Education Member Kathleen Jones attended for Agenda Items 6 & 7

Cabinet Members – Councillors Huw Hilditch-Roberts (Lead Member for Education, Children’s Services and Public Engagement) and Julian Thompson-Hill (Lead Member for Finance, Performance and Strategic Assets) attended for items relating to their portfolios.

Observers – Councillors Meirick Davies, Gwyneth Kensler and Graham Timms

### **ALSO PRESENT**

Corporate Director Communities (NS); Head of Customers, Communications and Marketing (LG); Interim Head of Education (GD); Principal Education Manager (MG); Inclusion Officer – ALN Implementation (JE); Inclusion Officer (JB); Strategic Planning Team Manager (KN); Strategic Planning and Performance Team Leader (IM); Scrutiny Coordinator (RE) and Committee Officers (KEJ & SJ/SW [Webcaster])

**GwE Representatives** – Mair Herbert and Jacqueline Chan attended for Agenda Item 6

### **1 APOLOGIES**

Councillor David Williams and Co-opted Education Member Neil Roberts

### **2 APPOINTMENT OF VICE-CHAIR**

Nominations were sought for the office of Vice-Chair of the Committee for the 2021/22 municipal year. Councillor Arwel Roberts nominated Councillor Hugh Irving for the position of Committee Vice-Chair. Councillor Bob Murray seconded Councillor Irving’s nomination. No other nominations were received and the Committee unanimously –

***RESOLVED*** to elect Councillor Hugh Irving as its Vice-Chair for the 2021/22 municipal year.

Councillor Irving thanked Committee members for their continued support.

### **3 DECLARATION OF INTERESTS**

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

Councillor Ellie Chard – School Governor Ysgol Tir Morfa  
Councillor Meirick Davies – School Governor Ysgol Cefn Meiriadog  
Councillor Huw Hilditch-Roberts – Parent & School Governor Ysgol Pen Barras  
Councillor Hugh Irving – School Governor Prestatyn High School  
Councillor Arwel Roberts – School Governor Ysgol y Castell  
Councillor Peter Scott – School Governor St. Asaph VP Infants School

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

No urgent matters had been raised.

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

The minutes of the Performance Scrutiny Committee held on 18 March 2021 were submitted.

***RESOLVED that the minutes of the meeting held on 18 March 2021 be received and approved as a correct record.***

No matters were raised in relation to the content of the minutes.

#### **6 IMPLEMENTATION OF THE DONALDSON REPORT 'SUCCESSFUL FUTURES' - CURRICULUM FOR WALES**

The Chair welcomed to the meeting Councillor Huw Hilditch-Roberts (Lead Member for Education, Children's Services and Public Engagement) and the Interim Head of Education together with GwE Representatives Mair Herbert and Jacqueline Chan. GwE as the Regional School Improvement Service was leading on the development and supporting schools in the implementation of the new curriculum for Wales following the publication of the Donaldson Report 'Successful Futures'.

Councillor Hilditch-Roberts introduced the report (previously circulated) on how the regional consortium, in partnership with the local authority, were supporting schools in the implementation of the new curriculum, detailing the significant work undertaken in order to provide assurance to the Committee in that regard. He referred to the new curriculum as a positive way forward for teaching and the four main aims to help children and young people to be: ambitious and capable learners, enterprising and creative, ethical and informed citizens and healthy and confident. The impact of Covid 19 on schools and their preparation for implementing the new curriculum was highlighted together with work ongoing at various levels from individual schools, school clusters, across county, the region and nationally in order to share best practice. The Interim Head of Education added that the focus of the new curriculum was for each child to learn in the way that was right for them. The improvement and support offer for schools was aimed at supporting all practitioners with a focus on key themes around leadership, planning, vision, pedagogy and professional learning. Consultative workshops had been held to ensure the best offer was provided to schools with an excellent response and positive feedback from head teachers in both primary and secondary sectors keen to work together and ensure consistency. The work carried out by GwE was key to ensuring schools were ready for implementation of the new curriculum in September 2022.

The efforts to support schools had been detailed in the report and included –

- working with other regional consortia to develop a national professional learning offer that integrated all aspects of the wider reform
- a planned sequence of professional learning and training across the region with cluster-based sessions available for schools
- facilitating sessions for schools within a cluster to work collaboratively to strategically plan for implementation of the curriculum with activities to support those preparations having been identified within School Development Plans
- provided examples of planned activities to further prepare for the new curriculum including developing a shared vision; collaborating on common approaches to teaching and learning and within a specific Area of Learning and Experience
- additional support from GwE would be available for schools to access at both cluster and individual level including tailored bespoke support where needed
- further support included a series of ‘Think-Pieces’ written by GwE as part of the weekly reform sessions with Professor Donaldson covering key aspects of the curriculum reform journey being made available to schools
- in readiness for September 2022 work was ongoing with partners to develop a wide range of qualitative indicators to allow schools to reflect on how they were implementing the four aims of the new curriculum
- prior to lockdown over 90% of schools indicated they were either partly on track or better in their knowledge and understanding of the new framework; nearly all schools indicated they were partly on track or better with their engagement and participation in cluster work for preparing for the new curriculum. Work had continued since then to ensure progress to implementation remained on track.

During the ensuing debate the Lead Member, Interim Head of Service and GwE Representatives responded to members' comments and questions as follows –

- the important work and responsibilities of school governors was acknowledged. In terms of pressures assurances were given that support was provided as appropriate with regular meetings to discuss any issues or concerns and there was an excellent relationship between the schools, local authority and GwE. The approach taken ensured that issues were identified and dealt with at an early stage thereby preventing an escalation of the problem
- there were six school clusters in Denbighshire (Prestatyn, Rhyl, Denbigh, Ruthin, Llangollen and Glan Clwyd) who worked together and it was reiterated that additional help was available to schools who worked within a cluster
- two schools had come out of special measures during the pandemic and the additional pressure on those schools to progress against Estyn recommendations was recognised. In addition to the general support offer agreed with schools in the implementation of the new curriculum, further bespoke support was provided to individual schools who required it
- despite the absence of legislative controls for elected home education there was a rigorous process in place to support pupils who were home schooled; however the implementation of the new curriculum could not be enforced with parents/carers choosing their own curriculum when educating at home

- religious education (RE) sat within the Humanities Area of Learning and Experience in the new curriculum which included religion, value and ethics, and assurances were provided that RE must be included and was very much safeguarded
- as part of the preparation schools should work together to ensure that there was an alignment in the transitions across the 3 – 16 year age group continuum and a continuation of learning with clarity on particular areas of learning within the age groups to ensure no repetition and progression of learners
- the planned sequence and timeline of professional learning and training available had been detailed within the report
- schools would trial their own curriculum and support would be provided in the evaluation of that and any adjustments required prior to formal implementation of the new curriculum in September 2022
- confirmed Qualification Wales was undertaking a consultation on reforming GCSEs to bring some of the elements and spirit of the new curriculum into those assessments; there had been no communicated changes to A/AS Level suites
- there were 27 ‘What Matters’ statements across the curriculum which were statutory and would be an integral part of the framework and inform its delivery
- Modern Foreign Languages sat within the Literacy and Communication Area of Learning and Experience and there was confidence that modern languages would be better regarded and allowed for in terms of curriculum time
- agreed it was a worthwhile suggestion from Councillor Graham Timms to provide a bank of local information on climate change for schools to access, and reported on the digital platforms already used both internally by the local authority via the hwb and externally on GwE’s website as a means of working collaboratively and sharing resources for the benefit of all authorities
- in response to concerns raised regarding the inappropriate use of mobile phones reported in some schools in England officers provided assurances that no significant concerns had been raised locally however, the use of social media platforms was an area of concern within the sector which would continue to be closely monitored.

At the end of debate the Chair conveyed his thanks for the comprehensive report and to those who had responded to the issues raised. The Committee –

***RESOLVED:*** *subject to the above observations to –*

- receive the information provided in the report and its associated appendices, along with that delivered during the course of the discussion, on the work undertaken to date by GwE in partnership with the Local Authority to support schools with the implementation of the New Curriculum for Wales following the publication of the Donaldson Report ‘Successful Futures’, and*
- request that a further progress report be presented to the Committee during the Spring of 2022 detailing the readiness of all educational establishments and staff to deliver the new curriculum from September 2022 onwards.*

Councillor Huw Hilditch-Roberts, Lead Member for Education, Children's Services and Public Engagement introduced the report (previously circulated) detailing progress made to ensure the local authority and schools were ready to meet their statutory requirements under the upcoming Additional Learning Needs and Education Tribunal (Wales) (ALNET) Act 2018.

The ALNET Act 2018, supported by regulations and an Additional Learning Needs Code, would replace the current Special Educational Needs (SEN) Code of Practice for Wales (2002). The Act replaced the terms 'special educational needs' (SEN) and 'learning difficulties and/or learning disabilities' (LLD) with the new term 'additional learning needs' (ALN). The Act created a single system with a single statutory plan, the Individual Development Plan (IDP) which would replace existing plans such as Individual Education Plans, Statements of SEN and Learning and Skills Plans.

Councillor Hilditch-Roberts highlighted the additional work created by the introduction of the new Act with no extra funding being made available for its implementation. He commended the response and commitment from staff and stakeholders in progressing the necessary requirements and putting children first, which again reflected the positive approach and way of working in Denbighshire. It was explained that the ALN transformation programme created a unified system for supporting learners from 0 to 25 years with ALN in order to deliver a fully inclusive education system in Wales delivered through five key themes. The new ALN system was expected to go live in September 2021.

The Committee was guided through the report and actions taken in order to meet the new statutory requirements which included, in brief –

- Regional – Denbighshire continued to work collaboratively across the region and had produced an update report showing how Denbighshire was working towards implementation of the ALN reforms. There were various regional working groups with Denbighshire leading on the Educated Other Than at School (EOTAS) and Looked After Children (LAC) working groups
- Training – staff had been offered Person Centred Practice training, half termly meetings/workshops with school representatives had taken place, and regional training provided by the North Wales ALN Transformation Team. There was also access to training for elected members and other stakeholders
- Budgets – School ALN funding was now fully delegated to schools, working towards a 3 year rolling average to allow schools to plan more effectively
- IT System – Denbighshire, Flintshire, Conwy and Wrexham joined to procure a new IT system (ECLIPSE) to manage the new ALN processes effectively
- Learner Support – The Team Around the School had been established to continue to meet the current requirements of the statutory assessment process and the Act in relation to early intervention, prevention and identification of ALN
- Provision – work was ongoing with schools to map out their provision, including interventions and strategies used to support learners with and without ALN. This would provide a clear understanding for determining need and provision
- Individual Development Plan (IDP) – the IDP had been trialled in a small selection of schools in preparation for the new legislation; the single plan would ensure consistency and continuity and safeguard provision and rights

- Documentation – a ‘Learner Profile’ was being developed to capture the support, progress and targets of learners in need of targeted support that may not be defined as ALN and work with schools was ongoing to create an ALN/Inclusion protocol for schools to adopt
- School Readiness – schools had been supported with the new compulsory ALN Coordinator role and guidance provided. Schools had also completed the GwE milestones (guide targets to meet the required ALN reforms) and support was offered to schools where requested
- Financial Implications – the local authority continued to utilise the Regional ALN Transformation grant to support them and schools in preparation for the ALN reform and schools also used ALN Transformation cluster funding.

The Interim Head of Education also drew the Committee’s attention to the self-assessment for assessing the extent to which the local authority was prepared with a clear RAG (Red/Amber/Green) system to show the level of compliance.

The Lead Member, Interim Head of Children’s Services, Principal Education Manager and the Inclusion Officer responded to members’ questions as follows –

- there were fewer resources available to undertake assessments through the medium of Welsh which was a national issue and not just confined to the area of additional learning needs; the need to address the issue continued to be raised with the Welsh Government on a regular basis
- school ALN funding had been fully delegated to schools working towards a three year rolling average and costed provision maps were being developed to inform that process which would be moderated once a year to provide flexibility; a transitional fund had also been created against which funding requests could be made in the event of a sudden influx of children requiring support and to ensure that all children had the support they needed
- it could be difficult to identify home educated children with ALN given that the local authority did not have any responsibility in providing provision however there was a monitoring process in place and work was ongoing with the Regional Transformation Lead and regional partners in terms of the impact of the new Act and ALN Code of practice in that regard. Support continued as appropriate for children with ALN who transferred from school to be home educated and under the new Code of Practice parents, young people and health professionals could approach the local authority if they believed a child might have ALN whereupon an assessment could be offered
- some discussion focused on the implications of the extended age range of pupils from 0 – 25 years and the work going on in that regard to ensure the relevant settings were ready to meet the new requirements; post 16 education implementation had been postponed to September 2022 which allowed more time for local authorities and further education colleges to progress the necessary changes and work continued both locally and regionally in that regard. Assurances were also provided that practitioners from Community Support Services covering the adult social care aspect had also been involved in the work around ALN reform from the outset and work was also ongoing with specialised adult education colleges
- the extended age range resulted in an increased workload for Educational Psychologists (EP). The current staff capacity was an area of risk with a vacant

post that was proving difficult to fill due to the national shortage of EPs and the need for an additional EP to undertake the work required as a result of the ALN reforms. There was also a national shortage of Health Psychologists and the wait for a formal diagnosis presented difficulties in fully understanding a child's needs which then required a greater input from EP in those cases

- whilst there were different support systems and documentation relating to ALN in different areas of the UK there were robust procedures in place to convert the information and data provided with the child into the version used locally
- there were very close working relationships with Child and Adolescent Mental Health Services (CAMHS) to ensure a clear and coordinated approach to providing support within the context of mental wellbeing and mental health however waiting lists for the service had increased and would result in some delays in terms of diagnosis for some children
- reported upon the availability of report appendices 2 and 3 in Welsh when finalised and confirmed that training and resources produced by the local authority for Welsh medium schools would be available bilingually however the council had no control over material produced by external stakeholders.

In bringing the debate to a close the Chair thanked everyone for their contributions.

The Committee –

***RESOLVED*** that –

- (a) *subject to the above comments and observations to endorse the work undertaken thus far to ensure that the Local Authority and its schools are ready to meet the statutory requirements of the Additional Learning Needs and Education Tribunal (Wales) Act, 2018 that come into force in September 2021;*
- (b) *as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix 5), and*
- (c) *a report be presented to the Committee during the Spring of 2022 detailing the Council's compliance with the statutory requirements set out in the Additional Needs and Education Tribunal (Wales) Act, 2018.*

At this juncture (11.45 am) the committee adjourned for a refreshment break.

## **8 ANNUAL PERFORMANCE REVIEW 2020 TO 2021**

Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets introduced the report (previously circulated) which provided a quarterly and end of year analysis of the progress in delivery of the Corporate Plan and highlighted specific projects and actions for delivery in 2021 to 2022. Feedback was sought on the draft Annual Performance Review 2020 to 2021 prior to approval of the final document by Council in July.

The Committee was guided through the report which had expanded to combine a number of previously separate reports into one document, meeting the Council's

requirements under a number of pieces of legislation including the new Local Government and Elections (Wales) Act 2021. The report provided a retrospective evaluation of the Council's success in delivering against its plans during 2020 to 2021 and looked ahead to what could be delivered in 2021 to 2022. It included a narrative on progress in delivering corporate priorities, including the current status and programme success. The Project Register and Corporate Risk Register had also been included within the document.

The Strategic Planning Team Manager provided a brief update against priorities –

- **Housing** – progress was good although numbers on the SARTH waiting list had increased with work ongoing to understand the reasoning behind the increase and explore potential solutions to managing the waiting list. The Council was largely on track to deliver the 1000 extra homes committed by March 2022 although there may be some slippage regarding council housing due to Covid
- **Connected Communities** – this area was currently a priority for improvement largely due to road conditions and broadband infrastructure. However projects were in place to address broadband infrastructure which were progressing well. The events infrastructure project would be delivered in the next financial year
- **Resilient Communities** – a number of key projects had been completed and overall good progress was being made against this priority
- **Environment** – there had been a significant development in terms of adoption of a Climate and Ecological Change Strategy and good progress was being made. Delivery against the timetable in terms of the energy efficiency of council homes remained challenging due to Covid restrictions although the work was still in the pipeline and there was a plan in place for its delivery
- **Young People** – the impact of Covid had been significant and was still ongoing and therefore it was difficult to draw conclusions about the impact on children's education and their potential attainment in the future. The level of youth unemployment had also grown exponentially due to Covid and an area of concern however there were numerous interventions in place to address it.

The Lead Member explained the performance measuring definitions where there was comparable data with other local authorities. Assurances were provided that whilst there were areas of priority for improvement it did not necessarily mean that performance levels were poor but that Denbighshire's performance was below the median level in relation to the other local authorities in Wales.

The Strategic Planning and Performance Team Leader provided an overview of the new corporate health section of the report in order to satisfy the need to self-assess under the Local Government and Elections (Wales) Act 2021. It focused on seven key governance areas and provided a wider picture about the context in which the Council was operating when delivering its performance objectives. It also sought to draw out any key actions to improve performance going forward.

During the ensuing debate members took the opportunity to raise questions and discussed various aspects of the report with the Lead Member and officers present. Main discussion points focused on the following –

- the Council's final position on service and corporate budgets for 2020/21 was an underspend of £9.457m. This included a schools underspend of £7.058 largely due to school closures during lockdown and some late grant funding received from the Welsh Government. The remaining balance largely related to delayed expenditure by services as a result of the pandemic
- the report included a high level summary of spend and the outturn position and impact on services was further explained. The Lead Member agreed to provide Councillor Paul Penlington with a detailed cost breakdown relating to Highways, Facilities & Environmental Services and Education & Children's Services outside of the meeting. With regard to the improved school position, assurances were given that schools would retain that underspend
- elaborated on the situation of Denbighshire Leisure Limited (DLL) which had been set up as a stand-alone company on 1 April 2020 and subsequent impact of the pandemic on trade – practically all of the loss of income that otherwise had been anticipated coming into DLL had been claimed back from Welsh Government as part of their funding package
- Councillor Martyn Holland advised that the report had also been considered by the Governance and Audit Committee and provided an opportunity to identify any areas which may warrant further response or scrutiny. He highlighted (1) the proposed removal of measures relating to C roads and unclassified roads from the framework, and (2) the unsuccessful procurement relating to Ruthin Extra Care Housing due to the high specification as potential issues
- the 20% affordable housing requirement for the development on land adjacent to Ysgol Pendref in Denbigh (which was double the 10% affordable housing stipulation in the Local Development Plan) had been based on market testing
- confirmed the reference to the 'number of Welsh books borrowed per capita' (Library Services, page 46) referred to books published in the Welsh Language
- the Chair highlighted that only 42% of residents felt satisfied with the availability of housing in their area and that the number of people on the SARTH waiting list had also increased. The Head of Customers, Communications and Marketing confirmed it was an area of concern that was being explored further and welcomed the opportunity to report back to a future scrutiny meeting thereon
- it was expected that the performance data due in June relating to various measures would be available in time to be included within the final document for submission to Council in July
- confirmed there was no additional cost associated with the creation of the report except in terms of officer time as part of the usual process
- in terms of housing need the location for council homes was largely driven by the Local Development Plan and needs assessment for housing with social housing being built where demand was highest – unfortunately it was not possible to meet all the demand in the county
- with regard to the tree planting programme for disadvantaged communities, a community orchard had been developed in Denbigh and there were plans to develop it further. There had been a challenge in Upper Denbigh to find suitable land on which to plant more trees which Countryside Services had tried to address by adapting outdoor spaces for further planting opportunities and therefore work was ongoing to address the challenges encountered.

At the conclusion of the discussion it was –

**RESOLVED** that, subject to the comments outlined above, to endorse the information on the Council's performance during 2020/21 and the projects it aimed to deliver during 2021/22 as detailed in the Annual Performance Review report.

## 9 SCRUTINY WORK PROGRAMME

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

Discussion focused on the following –

- the request to reschedule the Draft Sustainable Travel Plan from July to November was agreed and that the July meeting proceed with the Director of Social Services Annual Report 2019/20 & 2020/21 as the main business item
- members were asked to submit any proposal forms regarding topics for scrutiny (including those identified earlier in the meeting during consideration of the Annual Performance Report) by the end of next week for submission to the next scheduled meeting of the Scrutiny Chair and Vice Chairs Group on 1 July
- reaffirmed progress reports be submitted to the Committee in March 2022 as agreed earlier in the meeting in relation to the Curriculum for Wales and Additional Learning Needs Transformation
- referred to the Committee's information brief which included a report overview of compliments, suggestions and complaints received under the Council's customer feedback policy 'Your Voice' during Quarter 4 2020/21 – it was requested that examples of complaints as well as compliments be provided in future information reports to the Committee
- the Scrutiny Chairs and Vice-Chairs Group had considered the merits and practicalities of pre-meeting briefings. It had been decided that the Chair and Vice-Chair of each Committee should determine, on a meeting by meeting basis, whether a pre-meeting for Committee members was merited. If individual Committee members felt it would be beneficial to hold a pre-briefing for a particular meeting they should approach the Chair or Vice-Chair with a request.

**RESOLVED** that, subject to the amendments agreed above, the Committee's forward work programme as detailed in Appendix 1 to the report be approved.

## 10 FEEDBACK FROM COMMITTEE REPRESENTATIVES

The Chair advised members that he had recently represented the Committee at the following groups/forums –

- the Service Challenge meeting for Legal, HR and Democratic Services. This had been an extremely positive meeting which had highlighted how all the departments within this support service had adapted during the Covid-19 crisis to deliver their services in new innovative ways whilst also supporting the frontline services to deliver theirs
- Strategic Investment Group (SIG) at which a number of capital investment projects had been discussed

- a meeting with Estyn, which the Chair of Communities Scrutiny Committee also attended. The Regulator was examining the effectiveness of the County's Education Service and the Council's scrutiny processes.

Councillor Ellie Chard confirmed that she would be representing the Committee at the Service Challenge for Education and Children's Services on 19 July.

***RESOLVED*** *that the verbal report be received and noted.*

The meeting concluded at 12.50 pm.