

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 26 February 2015 at 9.30 am.

PRESENT

Councillors Meirick Davies, Richard Davies, Geraint Lloyd-Williams, Peter Owen, Dewi Owens and Gareth Sandilands.

Co-opted Members: - G. Greenland, D. Houghton and Dr D. Marjoram.

Lead Member attendance requested by the Committee:- Councillors J. Thompson-Hill and E.W. Williams.

Observers: Councillor H. Ll. Jones.

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Director of Social Services (NS), Head of Internal Audit (IB), Head of Customers and Education Support (JW), Head of Education (KE), Strategic Planning Team Manager (LG), Lead Officer: Libraries, Arts and Young People (RE), Property Manager (DL), Valuation and Estates Surveyor (MJ), Scrutiny Co-ordinator (RE) and Administrative Officer (CIW).

In the absence of the Chair and Vice Chair, the Committee elected Councillor R.J. Davies as Chair for the meeting.

1 APOLOGIES

Apologies for absence were received from Councillors Colin Hughes, Hugh Irving, Arwel Roberts, David Simmons and Gareth Williams.

2 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised 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 OF THE LAST MEETING

The Minutes of a meeting of the Performance Scrutiny Committee held on Thursday, 15th January, 2015 were submitted.

Matters arising:-

4. Minutes of Last Meeting – In response to a question from Councillor G. Sandilands, it was confirmed that the Task and Finish Group would present a report on the exit strategy/alternative provision for the CCTV and Out of Hours Service to the Partnerships Scrutiny Committee in early summer, 2015.

5. Verified External Examinations and Teacher Assessments – Dr D Marjoram asked that the concerns raised by the education co-opted members on the availability of opportunities for co-opted members to effectively scrutinise Denbighshire's Service Level Agreement with GwE, which they had raised at the previous meeting be reflected in the Minutes.

The Head of Education (HE) offered to convene a meeting with Co-opted Members to discuss education related matters in the near future. She also advised that the proposed letter referred to in point (ii) of the resolution had not as yet been sent to the Head of Education at Welsh Government due to other developments on the education front, including the recent publication of Professor Donaldson's report, Successful Futures: Independent Review of Curriculum and Assessment Arrangements in Wales. It may be more appropriate to incorporate the points on reporting the achievements and educational attainment of pupils in special schools into the Council and GwE's joint response to the WG consultation on the Professor Donaldson report.

The Lead Member for Education suggested that it may be worthwhile for a letter to be sent to all LEA governors to seek their views on the effectiveness of GwE support to their schools and asking them to let Education Department officers know if there were any shortcomings with the support being delivered.

The WG was currently consulting on changes to the teacher assessment system with a view to improving the quality and reliability of the data produced.

It was also agreed that GwE should be invited to attend the Committee's September, 2015 and January, 2016 meetings to discuss the impact of their work with schools in Denbighshire, the sustainability of further continual improvement, the teacher assessment and the provisional and verified examination results.

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

5 ESTYN ACTION PLAN RECOMMENDATION 2

A copy of a report by the Head of Education (HE), which provided an update on the progress made in response to the recommendations made by Estyn following the 2012 inspection, had been circulated with the papers for the meeting.

The main findings of the Estyn Report showed that the Local Authority achieved 'Good' for the three key questions, with the exception of 'Leadership', which had been judged to be 'Excellent'. In order to improve further Estyn had made recommendations and details had been encompassed in the report.

Officers advised that there was now a framework and structure in place to try and address recommendation 2. An extensive piece of work had been undertaken in an attempt to map the groups and activities available to children and young people in the County. Work would continue until at least the end of the current calendar year to populate the database with information on all groups known to the Council, estimated to be around 1000 groups. It was emphasised that the exercise was more complex and robust than just listing known groups, it also included meeting up with the groups to better understand their needs and ensure they were aware of matters such as their safeguarding responsibilities.

It was emphasised that work was still underway with respect to ensuring a consistent database of clubs for all areas e.g. sports clubs etc. However, clubs or organisations were not under any obligation to engage with the process. An on-line or telephone survey of the groups would not be appropriate for this exercise, as it was a two-way contributory process which benefitted both parties. With respect to the inclusion of organisations for children and young people with disabilities in the exercise, officers advised that these were covered either as groups specially designated for disabled people or as groups which welcomed disabled and able-bodied members. Denbighshire's Well-being Plan 'Supporting Independence and Resilience' underpinned the County's vision for ensuring services and activities were available and accessible to everyone across the county. Whilst other organisations held quite extensive databases on services available in the community they were reluctant to share the information with the Council on Data Protection Grounds.

In response to a suggestion from members, officers undertook to discuss with the youth workers whether it would be feasible to offer publicity to clubs and societies in exchange for their co-operation with the process for mapping the services available in the community.

The Lead Member for Education suggested that it may be worthwhile to take a report similar to the one presented to the Committee to the Member Area Groups (MAGs) as they, in their capacity as the eyes and ears of the communities, would know of any other groups not yet listed on the database or contacted by officers.

Members and the Head of Education agreed that the vagueness of the Estyn recommendation had made it very difficult for the Council to know exactly what was required of it in order to satisfy itself that the recommendation had been fully complied with. Nevertheless, officers were satisfied that they had an effective, well articulated process in place to establish the majority of services available to children and young people in the County. They were satisfied that when Estyn next inspected the Authority they could effectively demonstrate to them that Recommendation 2 had now been met. Measuring the impact of these services to the Authority and its partners and determining their value for money in delivering improved outcomes for children and young people over a long period of time would be far more difficult. It was therefore suggested that the Scrutiny Chairs and Vice-Chairs Group (SCVCG) should discuss the most appropriate way to scrutinise this aspect. Following a detailed discussion it was:-

RESOLVED – that:-

- (a) *based on the information provided and the above observations, the Committee concludes that the Local Education Authority has met Estyn's recommendations; and*
- (b) *the Scrutiny Chairs and Vice-Chairs Group determines the most appropriate way to monitor the impact and value for money of services available to children and young people within their communities in delivering improved outcomes for them, for the Authority and its partners.*

6 LONG TERM STRATEGY FOR THE AGRICULTURAL ESTATE

A copy of a report by the Valuation and Estates Manager (VEM), which provided information on the proposed strategy for the Agricultural Estate (AE) from 2015 onwards, had been circulated with the papers for the meeting.

The Lead Member for Finance and Assets introduced the report and draft long term strategy for County's Agricultural Estate. He advised that the Agricultural Estate Working Group, on which each Member Area Group (MAG) was represented, had drawn up a future strategy for the estate which would remove onerous maintenance and management liabilities and ensure greater efficiency of Council resources whilst mitigating the impact of cuts in corporate areas. He explained that, if the strategy was approved and adopted, there would be a managed disposal of agricultural holdings, with sitting tenants being given the first option to purchase their entire holding or part of it (where appropriate). If they opted initially to buy part of it, the remainder of it would be rented to them for a set period of time under a short-term tenancy agreement on the understanding that they would be expected to buy the remainder of the land at the end of the short-term tenancy, or otherwise relinquish it. Any holdings or land relinquished would be sold on the open market to realise a capital receipt. All disposals would be as agricultural holdings, with appropriate covenants and overage agreements being applied to the sales.

In response to Members' questions officers confirmed that overage agreements could legally be applied to the sale of agricultural holdings and land for specific periods of time. Any holdings which became vacant would be disposed of on the open market under powers delegated to officers/Lead Member/Cabinet dependent upon the estimated value of the holding. The Lead Member for Finance and Assets referred to discussions underway with a local college with respect to facilitating a process to enable interested new entrants to the industry to gain experience of a practical nature through assistance provided by the Council. These discussions were currently at the negotiation stage, no agreement had yet been reached. The Lead Member for Education suggested that it would be worthwhile to approach other organisations where new entrants into the industry were given an opportunity to run a farm for a year to gain valuable practical and managerial experience.

In response to members' questions the Lead Member and officers confirmed that:

- covenant and overage agreements could be applied for a specific period of time;
- for 'market rents' to be charged the dwellings, farm buildings, boundaries and land etc. had to be in 'market condition';

- the majority of the Council owned holdings were outside any designated LDP sites and therefore could not benefit from LDP land value;
- a lot of the recent investment on the Estate had been financed either via Nitrate Vulnerable Zone (NVZ) grant funding or by the tenants themselves;
- the last new fresh re-letting on the estate took place approximately 10 years ago;
- private estates could benefit from tax advantages for re-investment, these were not available to public estates;
- the Council had written to tenants outlining the contents of the proposed strategy and to date 13 tenants had expressed an interest in purchasing their holdings or part of their holdings;
- it was anticipated that the Strategy would be a long-term one due to the terms of current tenancies, some tenancies were due to expire next year, but it would probably take another 10 to 15 years to deliver the entire strategy as some tenants had longer term tenancies;
- the length of tenancies could not be renegotiated without valid legal reasons;
- all undertakings made under the 2010 Agricultural Estate Strategy would be honoured

Councillor Eryl Williams referred to a Council owned holding which had been bequeathed to the Council under a covenant that it be let to a new entrant into the farming industry. The local Community Council had long held concerns that the County Council would attempt to dispose of this holding as part of a future strategy. He requested that it be placed on record that if the County Council decided to dispose of this holding the Community Council had indicated that it would instigate a legal challenge to that decision on the basis of the covenant in the original bequest.

Following an in-depth discussion the Committee by a majority vote:

Resolved - to recommend to Cabinet that:-

(a) that it approves and adopts the future strategy for the Agricultural Estate; and
 (b) the Committee noted that covenants(s) relating to the above mentioned holding, and any other Estate holdings would be researched and clarified prior to the disposal of the holding(s).

7 YOUR VOICE COMPLAINTS REPORT - QUARTER 3 2014/15

A copy of a report by the Head of Customers and Education Support (HCES), which provided an overview of the feedback received via Denbighshire County Council's customer feedback policy 'Your Voice' and via the statutory social services procedure during Q4 2013/14, had been circulated with the papers for the meeting.

The report provided an overview of compliments, suggestions and complaints received by Denbighshire County Council under the Council's customer feedback policy 'Your Voice' during Q3 2014/15, Appendix 1. The report contained specific reference to the eleven stage 1 complaints which had exceeded the timescales during Q2, Appendix 2. Headlines for Q3 had been incorporated in Appendix 1.

Members acknowledged that whilst performance in dealing with complaints had slipped slightly and was below target, this was mainly because of the small number of complaints received. Compared to the number of service-users using the services the number of complaints received were low, however all had to be dealt with in accordance with the complaints policy and within the set timescale.

The Head of Service drew Members' attention to the number of compliments received. Looking forward to the next reporting year it would be important to remember that budget cuts should not be used as an excuse for complaints against services. The approved cuts were managed. Therefore they should not generate additional complaints if the impact of the cuts, including the public's expectations, was appropriately managed. At the conclusion of the discussion the Committee:-

RESOLVED – *that the Committee receives the report and emphasises the need to work across the Authority to ensure that the corporate target of 95% was met at all times.*

8 COUNCILLOR ENQUIRIES

A copy of a report by the Head of Customers and Education Support (HCES), which provided information on requests for service made by individual Members via the CRM system, specifically focusing on the action and response of the service involved, had been circulated with the papers for the meeting.

The HCES introduced the report and advised Members that following detailed analysis of the performance of services in dealing with service requests made by three County Councillors over a 10 month period the data suggested that there did not seem to be an extensive problem relating to late responses. Nevertheless there were a number of requests which had not been responded to within the expected timescale.

The HCES explained the difference between a response within the timescale and a satisfactory resolution to the problem. In some cases, particularly a problem which required a large amount of capital investment to resolve it, the enquiry could be classed as closed once the message had been relayed, but the problem itself would not have been resolved. Members were concerned that officers often telephoned them responding to a query, but rarely followed up the call with a detailed written explanation. At times the verbal response received may be incomplete or incorrect. This created problems for councillors when they then conveyed the response to a third party i.e. a resident or town/community council.

Members were advised by the HCES that, if they felt that the response received was incomplete or inaccurate, they should contact either the Head of Service or her to follow it up to ensure that they received a full response in the format of their choice e.g. telephone call, letter or e-mail.

The HCES advised that the Council was in the process of procuring a new fully automated CRM system. The new system would initially be rolled out to Highways, followed by the Education Department. As Head of Service she was keen to get

Members involved with the system's development to ensure that the information it provided met their needs and assisted them with their work.

RESOLVED - *subject to the above observations to receive the report and that officers should respond to individual members as per their preferred method of communication.*

9 UPDATE ON CHALLENGES HIGHLIGHTED IN THE DIRECTOR OF SOCIAL SERVICES ANNUAL PERFORMANCE REPORT 2013-14

A copy of a report by the Principal Manager: Business Support, which provided an update on the challenges identified in the Director of Social Services Annual Performance Report for 2013/14 had been circulated prior to the meeting. The report was presented to Members by the Director of Social Services and detailed the progress made to date in addressing areas highlighted in the 2013/14 Annual Report which required focussed attention to improve performance, or to address new pressures which had been identified during the course of the current year. Whilst performance was improving in the majority of the areas earmarked in last year's report, there was still room for improvement.

The reasons for below target performance in areas such as the number of statutory visits to looked after children and the percentage of looked after children who had experienced one or more changes of schools were well documented. Bare statistics did not present the full picture, which was far more positive as it better met the children's needs than the need for the Authority to achieve targets. Social care was a very complex area, as individuals' needs and their human rights had to be respected. For example, it would not be possible to achieve a 100% assessment rate for all carers as not everyone classed themselves as a 'carer' despite undertaking the role of a 'carer' e.g. spouse or partner, parent or child. In such cases individual choice or preferences had to be respected. The Social Services Department was working closely with the Education Department and schools to support children identified as undertaking a 'carer' role at home. It was also important to understand that the Council did not only support carers as individuals but also the whole community aspect of the carer's role.

It was emphasised that whilst the WG was extremely keen to promote the use of Direct Payments and Individual Service Funds they were very time consuming, complex and bureaucratic to administer. Some authorities in England had opted out of providing these options, there was no indication that opting out would become a choice in Wales. Officers were continually working with families and individuals to promote them, however it was important to understand that direct payments or individual service funds did not suit every individual.

The Supreme Court's Judgement of March, 2014 with respect to deprivation of liberty was causing immense pressure on the Social Services Department and its budget, with staff having to be trained to deal with the large increase in the number of deprivation of liberty applications. To mitigate any risk, which had been escalated to a level of high risk for the Authority and consequently included on the Corporate Risk Register, an exercise had been undertaken to assess the potential number of applications which may be received. The findings of this exercise had

resulted in 10 extra practitioners being trained to carry out assessments. This of course placed added pressures on constrained budgets and resources. WG guidance on deprivation of liberty assessments was still awaited, in the meantime the Council was working to the letter of the law when undertaking the assessments.

The Association of Directors of Social Services Cymru (ADSS) and the regulators Care and Social Services Inspectorate Wales (CSSIW) were working with the WG to try and plug this gap as soon as possible. However, the matter had been further complicated recently through a legal challenge being issued to the Supreme Court's ruling in England. It was therefore unlikely that any guidance would be published prior to the legal challenge being determined. In response to members' concerns about the risks faced by the Authority as a consequence of the ruling, the Head of Internal Audit advised that as internal auditors his team was looking at this risk as part of the overall risk relating to Corporate Safeguarding. Members were also advised that a further progress report on all the areas highlighted in the current report would be included as part of the Director of Social Services Annual Performance Report for 2014/15, which was scheduled for presentation to the Committee at its June 2015 meeting.

Following a detailed discussion it was:-

RESOLVED – *subject to the above observations, to receive the report and note the progress made to date in addressing the challenges highlighted in the Director of Social Services Annual Performance Report 2013/14.*

10 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Coordinator (SC), which requested the Committee to review and agree its Forward Work Programme and provided an update on relevant issues, had been circulated with the papers for the meeting.

A copy of the 'Member's proposal form' had been included in Appendix 2. It was confirmed that in future no items would be included on a forward work programme without a 'scrutiny proposal form' being completed and accepted for inclusion by the Committee or the SCVCG. The SC explained that assistance in completing forms would be available if required. The Cabinet Forward Work Programme had been included as Appendix 3, and a table summarising recent Committee resolutions and advising on progress with their implementation, had been attached at Appendix 4.

The Committee considered its draft Forward Work Programme for future meetings, Appendix 1, and the following amendments and additions were agreed:-

16th April, 2015:-

- It was explained by the SC that confirmation was awaited on whether the report on the Corporate Risk Register would need to be rescheduled for a future date.

- The SC referred to the importance of the link circulated to Members in relation to Welsh Government's Local Authority Services Performance Report 2013/14. Members agreed that this report be included in the Committee's Forward Work Programme for consideration on the 16th April, 2015.

24th September, 2015:-

- The SC explained that the SCVCG had concurred with the views of the Committee that the three education items referred to the SCVCG for consideration be included in the Committee's Forward Work Programme for its meeting on the 24th September, 2015. The SC confirmed that GwE would be invited to that meeting and the meeting in January 2016.

The Scrutiny Chairs and Vice-Chairs Group (SCVCG) had met on the on the 19th February, 2015. The SC explained that one of the items considered at the meeting had been the Welsh Government's recent White Paper Devolution, Democracy and Delivery – Reforming Local Government: Power: Power to Local People. Chapter 8 of the White Paper, 'Strengthening the Role of Review', set out the WG's proposals for scrutiny. A brief summary of the proceedings was provided by the SC.

The SCVCG had also discussed the future frequency of reports to Performance Scrutiny Committee on the Corporate Plan, and decided that they would remain as twice yearly reports to the Committee, supplemented by the other quarters' reports as information reports.

The Annual Report on the Scrutiny Committees' activities during the year would be presented to the Annual Council meeting in May. It had been agreed to undertake an evaluation exercise of Scrutiny and a questionnaire had been drafted for circulation to scrutiny members, and to a wider group including all Councillors and members of SLT.

RESOLVED – *that, subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved.*

11 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor R.J. Davies provided details of the following main issues considered at the Human Resources Department's Service Challenge:-

- HR current displayed a projected underspend of £14.5k from January, 2015, and had taken a lead in achieving a number of corporate savings.
- The Service compared well against the family group of local authorities from England and Wales.
- 2013/14 benchmarking had indicated Denbighshire as having relatively high costs running costs categories.
- Internal audit had completed a significant amount of assurance work relating to the completion of the People's Strategy HR Improvement Plan.

- The recent Internal Audit Report had suggested improvement in a number of areas.
- Denbighshire's employee age profile indicated that the Authority had fewer than average employees under the age of 40. It also had similar proportion of employees from minority ethnic backgrounds and those with disabilities.
- The number of disciplinary actions being similar to other Local Authorities.

Councillor G.LI. Williams informed the Committee that the Communication, Marketing and Leisure Service would be relocating to Caledfryn, Denbigh. He also explained that KPMG would be visiting Communication, Marketing and Leisure Service to ascertain and view how the service model operated without reducing services in the current economic climate.

Councillor D. Owens had attended a meeting of the Schools Standard Monitoring Group (SSMG) on the 24th February, 2015. Councillor Owens acknowledged that there were problems in some schools, which he felt were being addressed by Denbighshire, but expressed concern regarding the approach adopted by officers from GwE with regard to the way in which they viewed the performance of schools which differed from that of officers of the Authority. In response to a request from Councillor Owens, the Scrutiny Coordinator confirmed that representatives from GwE would be attending meetings in September or October, 2015 and January, 2016.

RESOLVED – *that the reports be received and the contents noted.*

Meeting ended at 12.50 p.m.