

# CITY & COUNTY OF SWANSEA

## CABINET

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**At:** Committee Room 1, Civic Centre, Swansea.

**On:** Tuesday, 23 September 2014

**Time:** 5.00 pm

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### AGENDA

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 8  
To approve and sign as a correct record the Minutes of the meeting of Cabinet held on 26 August 2014.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
6. **Councillors' Question Time.**
7. **Scrutiny Report(s): None.**
8. **Report(s) of the Wales Audit Office.**
- 8.a Audit of Financial Statements Progress Report - City and County of Swansea. 9 - 22
- 8.b Audit of Financial Statements Report - City & County of Swansea Pension Fund. 23 - 40
9. **Report(s) within the Cabinet Member for Citizen, Community Engagement and Democracy Portfolio: -**
- 9.a Corporate Complaints Annual Report, Incorporating: a) Adult & Directorate Services Complaints Annual Report; b) Children's Services Complaints Annual Report; c) Freedom of Information (FOI) Annual Report; d) Regulation of Investigatory Powers (RIPA) Annual Report. (For Information) 41 - 90
10. **Report(s) within the Cabinet Member Finance and Resources for Portfolio: -**
- 10.a Quarter 1 2014/15 Performance Monitoring Report. 91 - 94
- 10.b Business Rates - Temporary Rate Relief Schemes (Wales). 95 - 98
- 10.c Annual Review of Performance 2013/14. 99 - 101

- 11. Report(s) of the Section 151 Officer.**  
 11.a Annual Governance Statement 2013/14. **102 - 115**
- 12. Report(s) of the Leader: -**  
 12.a Amalgamation of Brynhyfryd Infant and Junior Schools. **116 - 160**
- 13. Report(s) within the Cabinet Member for Regeneration Portfolio: -**  
 13.a Vibrant and Viable Places (V&VP) FPR7 - Homes Above Shops. **161 - 164**  
 13.b FPR 7: Waterfront City Programme - Infrastructure Works. **165 - 169**



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Thursday, 11 September 2014**

**Contact: Democratic Services - 63682**

**CABINET (10)**

**Labour Councillors:**

Nicholas S Bradley	Christine Richards ( <b>Deputy Leader</b> )
June E Burtonshaw	Rob C Stewart ( <b>Leader</b> )
Mark C Child	Mitchell Theaker
Sybil E Crouch	
C Ryland Doyle	

**Officers:**

Jack Straw	Chief Executive
Phil Roberts	Director of Place
Dean Taylor	Director of Corporate Services
Chris Sivers	Director of People
Arwyn Thomas	Chief Education Officer
Deborah Driffield	Chief Social Services Officer
Mike Hawes	Head of Financial Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Steve Rees	Head of Human Resources
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic and hard copy
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement - Electronic and hard copy
Huw Evans	Head of Democratic Services
Democratic Services	1 Copy
Patrick Fletcher	Communications
Scrutiny Team	1 Copy
Archives	1 Copy
Various Councillors	10 Copies
All Other Councillors	Via e mail

**Total Copies Needed:**

57 Full & 10 Public

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE CABINET

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 26 AUGUST 2014 AT 5.00 PM

**PRESENT:** Councillor D Phillips (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
N S Bradley	S E Crouch	C Richards
J E Burtonshaw	C R Doyle	M Theaker
M C Child		

**Also present:-**

Councillor J W Jones

57. **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

58. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared

59. **MINUTES.**

**RESOLVED** that the Minutes of meetings of Cabinet held on 29 July 2014 and 5 August 2014 be approved as correct records, subject to the following amendment:-

Special Cabinet – 5 August 2014

Councillor M Theaker being deleted from the list of members present.

60. **LEADER OF THE COUNCIL'S REPORT(S).**

None.

61. **PUBLIC QUESTION TIME.**

Mr P East asked a question in relation to Minute No 59 - minutes of Cabinet held on 29 July 2014 and Special Cabinet held on 5 August 2014. The Leader and Head of Legal, Democratic Services and Procurement responded. He also asked questions

in relation to Minute No 53 – Scrutiny Inquiry into Inward Investment and Minute No 64 – Reforming Local Government. The Leader responded accordingly.

62. **COUNCILLORS' QUESTION TIME.**

Councillor C A Holley asked a question in relation to Minute No 64 – Reforming Local Government. The Leader responded accordingly. Councillor P M Meara asked a question in relation to Minute No 65 – Welsh Language Scheme Draft Annual Monitoring Report 2013 – 14 – A1.4.4 – Language Skills levels. The Cabinet Member for Citizen, Community Engagement and Democracy stated that a written response would be provided.

63. **SCRUTINY INQUIRY INTO INWARD INVESTMENT.**

Councillor J W Jones ( Chair of the Inward Investment Scrutiny inquiry Panel presented the findings, conclusions and recommendations resulting from the Panel's Inquiry into Inward Investment.

**CABINET DECISION**

That Cabinet noted the report and tasked the relevant Cabinet Member to prepare a written response within three months for Cabinet decision on the scrutiny recommendations.

Policy Framework

Council Constitution

Reason for Decision

To consider and action the recommendations made by the Scrutiny Inquiry Panel.

Consultation

Legal, Finance

64. **REFORMING LOCAL GOVERNMENT.**

The Leader presented a report which summarised the key proposals contained within the Welsh Government's White Paper – Reforming Local Government and outlined the response of the Welsh Local Government Association.

**CABINET DECISION**

That the proposals within this paper be noted and that the Council respond to the White Paper.

Policy Framework

None.

Reason for Decision

To inform Council about the proposals within the white paper - Reforming Local Government, in relation to the future shape of Local Government in Wales and the response of the WLGA.

Consultation

Legal, Finance, Access to Services

65. **WELSH LANGUAGE SCHEME DRAFT ANNUAL MONITORING REPORT 2013-14.**

The Cabinet Member for Citizen, Community Engagement and Democracy submitted the Welsh Language Scheme Draft Annual Monitoring Report 2013-14.

**CABINET DECISION**

That the Welsh Language Scheme Annual Monitoring Report 2013 – 14 be approved for submission to the Welsh Language Commissioner and publication be approved.

Policy Framework

Welsh Language Act 1993,  
Welsh Language (Wales) Measure 2011,  
Welsh Language Scheme,  
Strategic Equality Plan 2012-2016.

Reason for Decision

The Council is required to undertake an annual review of the implementation of the Welsh Language Scheme with a report presented to the Welsh Language Commissioner and published.

Consultation

Legal, Finance; Access to Services; Equalities Committee.

66. **REVENUE AND CAPITAL BUDGET MONITORING - FIRST QUARTER 2014/15.**

The Head of Financial Services presented a report on the financial monitoring of the 2014/15 revenue and capital budgets.

**CABINET DECISION**

That the comments and variations in the report and the actions in hand to address these, be noted.

Policy Framework

Budget 2014/15  
Sustainable Swansea

Reason for Decision

To note any significant variations from the agreed budget 2014/15 and actions planned to achieve a balanced budget.

Consultation

Cabinet Members, Corporate Management Team, Legal and Corporate Equality Unit.

67. **FIRST QUARTER 2014/15 SAVINGS TRACKER REPORT.**

The Head of Financial Services presented a report on the progress specifically with regard to revenue savings targets set in the 2014/15 revenue budget.

**CABINET DECISION**

That the comments and variations in this report and the actions in hand to address these be noted.

Policy Framework

Budget 2014/15  
Sustainable Swansea

Reason for Decision

To note any significant variations from the agreed budget 2014/15 savings and actions planned to achieve a balanced budget.

Consultation

Cabinet Members, Corporate Management Team, Legal and Corporate Equalities Unit.

68. **LOCAL AUTHORITY GOVERNOR APPOINTMENTS.**

Councillor M Theaker presented a report which sought approval of the nomination submitted to fill LA Governor vacancies on School Governing Bodies.

**CABINET DECISION**

That the following nominations be approved as recommended by the LA Governor Appointment Panel:



Portmead Primary School - Mr Andrew Morris

Pentrehafod Comprehensive School - Mr David Peter Blann

Policy Framework

Policy and Procedure for Appointment of LA Governors as amended by Council on 23 October 2008.

Reason for Decision

To ensure vacancies are to be filled expeditiously.

Consultation

Education, Legal, Finance

69. **FINANCIAL PROCEDURE RULE 7 - LOCAL TRANSPORT FUND GRANT 2014-2015.**

The Cabinet Member for Place submitted a report which sought confirmation of the bid for Local Transport Fund ( LTF) Grant and sought approval for expenditure on the proposed schemes and projects in 2014/15.

**CABINET DECISION**

That the revised scheme for Morfa Road and the new LTF schemes, together with their financial implications, be approved.

Policy Framework

Regional Transport Plan 2010 – 2015

Reason for Decision

To comply with Financial Procedure Rule No. 7 ( Capital Programming and Appraisals) to commit and authorise schemes in the Capital Programme.

Consultation

Legal and Finance.

70. **EXCLUSION OF THE PUBLIC.**

Cabinet were requested to exclude the public from the meeting during consideration of urgent items of business identified in the recommendations to the report on the grounds that they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the reports.

Cabinet considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the reports.

**RESOLVED** that the public be excluded for the following items of business

**(CLOSED SESSION)**

71. **URGENT ITEMS.**

The Leader stated that pursuant to paragraph 100B (4) (b) of the Local Government Act 1972, he considered that the undermentioned reports of The Cabinet Member for Finance & Resources, be considered as urgent items:-

**(a) Refurbishment of the three High Rise Blocks of Flats at Clyne Court and the Single Block at Jeffreys Court.**

**(b) Refurbishment of the two High Rise Blocks of Flats at Matthew Street.**

**Reason for Urgency**

These reports need to be considered as urgent items due to the need to progress the scheme and maximise spend in pursuit of Welsh Housing Quality Standard.

**CABINET DECISION**

The recommendations as detailed in both reports be approved.

**Policy Framework**

Council Constitution

**Reason for Decision**

To comply with Contract Procedure Rule 13, as set out in the Council Constitution.

**Consultation**

Legal, Finance, Access to Services

The meeting ended at 5.55p.m.

**CHAIR**



## Audit of Financial Statements Progress Report

### City and County Of Swansea

**Audit year:** 2013-14

**Issued:** 17 September 2014

**Document reference:** C14212

#### **Purpose of this document**

This document is a draft supplied in confidence solely for the purpose of verifying the accuracy and completeness of the information contained in it and to obtain views on the conclusions reached.

#### **Handling prior to publication**

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# Status of report

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This document was produced by PricewaterhouseCoopers LLP on behalf of Anthony Barrett, the Appointed Auditor. The team who delivered the work comprised Kevin Williams, Engagement Leader and Rebecca Nelson, Engagement Manager.

# Contents

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There are some areas of audit work that remain outstanding that are detailed within this report. This audit work will be completed prior to financial statements being approved and an audit report being issued by Anthony Barrett, as Appointed Auditor.

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## Summary report

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## Introduction

1. Anthony Barrett, as Appointed Auditor, is responsible for providing an opinion on whether the financial statements give a true and fair view of the financial position of the City and County of Swansea (“the Authority”) at 31 March 2014 and its income and expenditure for the year then ended.
2. This report has been prepared and presented by PricewaterhouseCoopers LLP (“PwC”), who undertake the audit work on behalf of the Auditor General for Wales.
3. We do not try to obtain absolute assurance that the financial statements are correctly stated, but adopt the concept of materiality. In planning and conducting the audit, we seek to identify material misstatements in your financial statements, namely, those that might result in a reader of the accounts being misled.
4. The quantitative level at which we judge such misstatements to be material to the Authority is £8.54m for income and expenditure items and working capital balances. Whether an item is judged to be material can also be affected by certain qualitative issues such as legal and regulatory requirements and political sensitivity.
5. International Standard on Auditing (ISA) 260 requires us to report certain matters arising from the audit of the financial statements to those charged with governance of a body in sufficient time to enable appropriate action.
6. This report sets out for consideration the matters arising from the audit of the financial statements of the Authority, for 2013-14, that require reporting under ISA 260.

## Status of the audit

7. We received the draft financial statements for the year ended 31 March 2014 on 8<sup>th</sup> July 2014; this was in line with our agreed timescales. At the date of our presentation of this report there was audit work outstanding in the following areas:
  - Testing the revaluation of investment property
  - Testing the revaluation of property, plant and equipment
  - Testing the application of capital grants
  - Obtaining bank confirmation for school bank balances
  - Detailed review and testing of employment provisions
  - Review of landfill provisions
  - Review of post year end supplier invoices
  - Testing of deferred income
  - Review of the cash flow statement
  - Review of group accounts
  - Testing of reserves
  - Review of senior officer emoluments
  - Review of the amounts reported for resource allocation decisions note
  - Testing of grants credited to services
  - Testing of termination benefits
  - Detailed testing of the Whole of Government Account return

8. We are reporting to you the more significant issues arising from the audit, which we believe you must consider prior to approval of the financial statements. The audit team has already discussed these issues with the Head of Finance and Delivery.
9. We are unable at this time to provide the Proposed Audit Report of the Appointed Auditor or the Proposed Letter of Representation. This is due to the outstanding items listed above. We aim to provide these documents and an updated report to Cabinet on 23 September 2014.

## Significant issues arising from the audit

### Uncorrected misstatements

10. We set out below the misstatements we have identified in the financial statements as at 01 September 2014, which have been discussed with management but remain uncorrected. Management has decided not to correct these misstatements as they are not considered to be material to the users of the financial statements either individually or in aggregate.
11. We have reported all proposed audit adjustments which management has not elected to change with a value greater than £100k.

Nature of Correction	Comprehensive Income and Expenditure		Balance Sheet		Movement in Reserves	
	Debit (£'000)	Credit (£'000)	Debit (£'000)	Credit (£'000)	Debit (£'000)	Credit (£'000)
<p>Our work on impairment identified that £73,960 was inappropriately debited to the Revaluation Reserve rather than the Comprehensive Income and Expenditure Statement. Investigation by management identified further instances where it was inappropriate to debit such a movement to the revaluation reserve, giving a total adjustment of £441,437.07</p> <p>Impairment Revaluation Reserve Capital Adjustment Account Movement in Reserves</p>	441					441
<p>Our work on impairment identified that £221,266 of capital expenditure on Swiss Cottage, and its subsequent impairment, had been recorded within the "Other Land and Buildings" movement schedule rather than the Heritage Assets note. Our work as to the appropriateness of the associated impairment is ongoing.</p> <p>Heritage Assets (Impairment) Property Plant and Equipment (Impairment) Heritage Assets (Additions) Property, Plant and Equipment (Additions)</p>			221	221		
<p>Our work on the valuation of Council Houses identified a variance between the valuation calculated by the Internal Valuer and the value included in the fixed asset register.</p> <p>Council Dwellings Revaluation Reserve</p>			805			805
<p>Our review of the discounted cash flow model used to value council dwellings identified that borrowing costs had been included. It is noted that this approach is unusual. An adjustment has been proposed to remove these costs.</p> <p>Revaluation Reserve Council Dwellings</p>				1,102	1,102	



Nature of Correction	Comprehensive Income and Expenditure		Balance Sheet		Movement in Reserves	
	Debit (£'000)	Credit (£'000)	Debit (£'000)	Credit (£'000)	Debit (£'000)	Credit (£'000)
Our work on the landfill provision identified that all of the provision relating to the capping and remediation work to be carried out at the Tir John site has been recognised as a long term provision.						
Management estimate that £3,408k of the provision is to be spent during 2014-15, therefore it is appropriate to classify this element of the provision as short term						
Long Term Provisions			3,408			
Short Term Provisions				3,408		

### Corrected misstatements

12. There are no misstatements that have been corrected by management, which we consider should be drawn to your attention due to their relevance to your responsibilities over the financial reporting process.
13. It is noted that management have made a number of narrative adjustments to the accounts.

### Matters on which management have consulted with us upon

14. The Council Tax Reduction Scheme was introduced in April 2013, replacing Council Tax Benefit. Following this change, the Authority discussed with us the various potential accounting treatments that could be applied.
15. Previously a credit to Taxation and Non-Specific Grant Income was recorded in order to recognise the income from the Council Tax Reduction Scheme. A debit to services was also recorded to recognise notional Council Tax Benefit expenditure. Gross Council Tax income was also recorded within Taxation and Non-Specific Grant Income.
16. Following discussions with us, management have proposed the following adjusting entry in order to remove the grossing up effect caused by recording Council Tax income gross along with notional Council Tax Benefit expenditure:
  - Debit Taxation and Non-Specific Grant Income - £19,159k
  - Credit Central Services to the Public - £19,159k

This correction has no impact upon the Total Comprehensive Income and Expenditure for the year.

## Significant and elevated audit risks

17. In our Financial Audit Strategy, we set out information regarding the significant and elevated audit risks that were identified during the audit planning process. The table below sets out the outcome of our audit procedures in respect of those risks.

Significant Risk	Audit Outcome
<p><b>Management override of controls</b> The risk of management override of controls is present in all entities.</p>	<p>We have understood and evaluated internal control processes and procedures as part of our planning work.</p> <p>Testing of a sample of journals is currently ongoing. Our sample is based on risk and seeks to ascertain if journals were processed appropriately and related to genuine business transactions.</p> <p>We have considered significant management estimates in order to identify any evidence of management bias. Our work with regard to employee provisions and property valuations is currently ongoing.</p> <p>We designed and performed procedures in order to confirm our understanding of the business rationale for significant transactions.</p> <p>Our audit procedures also include an unpredictable element that varies year on year. Based on the work completed to date, we have not identified any matters to report to you.</p>
<p><b>Revenue and expenditure recognition</b> There is a risk that the Authority could adopt accounting policies or treat income and expenditure transactions in such a way as to lead to material misstatement in the Comprehensive Income &amp; Expenditure Statement.</p>	<p>We undertook the following procedures in response to this risk:</p> <ul style="list-style-type: none"> <li>• tested the appropriateness of a sample of journals processed to income and non-pay expenditure ledger codes during the year;</li> <li>• reviewed the relevant accounting policies to ensure that they are in compliance with accounting standards; and</li> <li>• performed substantive procedures on a sample basis to ensure that income and non-pay expenditure has been appropriately accounted for in accordance with the stated accounting policy and in the correct period.</li> </ul> <p>We have not identified any matters to report to you.</p>

Elevated Risk	Audit Outcome
<p><b>Valuation of property, plant and equipment (PPE) and investment property</b></p> <p>The Authority is required to ensure that PPE and Investment Property assets held on the Balance Sheet are valued sufficiently regularly to ensure that the carrying amount is not materially different from the fair value of these assets at the year end.</p>	<p>We have considered the Authority's proposed approach to the valuation of PPE and Investment Properties.</p> <p>We note that the Authority values its land and buildings on a five year rolling programme. The Authority is yet to finalise its assessment, which involves a consideration of the likelihood that there has been material changes in value during the year for assets that have not been revalued in the sample of assets that have been formally valued.</p>
<p><b>Equal pay and job evaluation</b></p> <p>The Single Status Agreement committed authorities to undertake equal pay reviews and to introduce non-discriminatory pay structures, addressing the fact that local government employees were often employed on differing terms and conditions.</p> <p>The Authority has settled a number of equal pay claims to date and has undertaken a significant amount of work to develop a model to support the calculation of its provision for Equal Pay and Job Evaluation. The valuation of this provision is subject to a number of judgements.</p>	<p>We have reviewed the status of the equal pay and job evaluation exercise with officers and considered whether the associated the accounting treatment as appropriate. We are currently completing our assessment of the continued appropriateness of the methodology used to derive the overall estimate and the reasonableness of the assumptions therein. This will be facilitated through sample testing of individual cases.</p> <p>We will also consider the extent to which the provision has been utilised after the year end, compare the payments made to the amounts provided for in the accounts.</p> <p>We have not identified any matters to report to you to date.</p>
<p><b>Group accounts</b></p> <p>During 2013-14 the trading operations of Swansea City Waste Disposal Company Limited (SCWDC) were transferred to the Council. The Council fully owned SCWDC as at 31 March 2013. Therefore, the presentation and disclosure of this transaction in the accounts of the Authority will need to be assessed and the requirement to produce group accounts considered.</p>	<p>Work is currently ongoing in order to review the substance and accounting treatment of the transaction. We are also considering the adequacy of disclosures in the accounts and group accounts of the Authority.</p>

## Significant estimates

18. During the course of our audit we undertook specific procedures in respect of areas subject to estimation risk as follows.

### Fixed asset valuation methodology and assumptions

19. The Authority formally valued a proportion of its land and buildings as at 31 March 2014. We have selected a sample of the revalued assets to evaluate the methodology and assumptions used by the Authority's internal valuer.

20. We have performed testing of a sample of 20 assets to agree the base data (floor area etc) used in the valuation to supporting documentation. Testing of such assets is being finalised.
21. We confirmed the upload of the revaluation data from the information provided by the valuer to ensure that it has been accurately reflected in the Council's asset register.
22. The Authority values its land and buildings on a five year rolling programme. The Code of Practice on Local Authority Accounting states that revaluations shall be made with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using the fair value at the end of the reporting period.
23. The Authority has yet to finalise an assessment as to the sufficiency of the regularity of their revaluation programme.

### Council Dwellings

24. The Authority uses a discounted cash flow model to value its Council Dwellings. We have reviewed the assumptions made by the Authority in this model and have noted that the Authority has included the effect of borrowings.
25. This treatment is considered to be unusual. Including borrowings has the effect of increasing the value of Council Dwellings by £1,102k. The impact of this has been included within the list of uncorrected misstatements listed above.
26. It is also noted that a transposition error occurred between the discounted cash flow model and the fixed asset register. This has the effect of decreasing the value of Council Dwellings by £805k.

### Investment property

27. The Code of Practice on Local Authority Accounting requires that the Authority's investment properties are held at their fair value at each balance sheet date. The Authority's approach to doing this was to re-value all investment property assets as at 31 March 2014.
28. We have reviewed the methodology and assumptions used by the Authority's internal valuer, in conjunction with our own in-house valuer, and have not noted any material issues or matters to report to you.

### Employment provisions

#### Equal pay

29. The Authority is in the latter stages of agreeing, and paying out, equal pay and backpay settlements with employees. The accounts include a provision in respect of this liability.
30. In 1997, local government employers and the trade unions signed the "Single Status Agreement". Enshrined in equal pay legislation, the Single Status Agreement committed authorities to undertake equal pay reviews and to introduce non-discriminatory pay structures, addressing the fact that local government employees were employed on differing terms and conditions. This review identified some elements of pay discrimination and resulted in the recognition of back pay liabilities to compensate for this, at most local authorities.
31. Following the receipt of claims from employees, and having assessed its position, the Authority has offered relevant employees a settlement in respect of the equal pay

back-pay liability. The Authority has also paid out, and therefore fully settled, a significant amount of the claims. However, there may be some claims which are not fully settled and may progress to an employment tribunal.

32. The Authority has undertaken an extensive modelling exercise to provide an estimate of the potential liability arising in respect of these claims for both financial and management accounting purposes.
33. Our audit is currently considering whether the provision included in the Authority's financial statements is a reasonable estimate of the expected total liability in respect of equal pay claims.

### *Job Evaluation*

34. The Authority has also undertaken a review of its pay and grading structure. New pay structures have been implemented and any additional payments due have been backdated to 1 April 2010.
35. The Authority has included a provision to recognise potential costs of implementing the new structure from 1 April 2010. This provision includes those claimants who had previously settled equal pay claims but have subsequently lodged a new claim with the Employment Tribunal. We consider that this treatment is appropriate on the basis that the agreements to settle previous claims expired on 31 March 2010.
36. The Authority has used an external consultant to model the impact of the new pay regime. We are currently in the process of completing out testing of this model to assess the reasonableness of the provision.

### *Landfill provisions*

37. At a Cabinet meeting in January 2013 a decision was taken to transfer the operations of Swansea City Waste Disposal Company into the Authority and close it using a solvent liquidation. The transfer of assets and liabilities occurred in July 2013.
38. As part of its responsibilities, the Authority will be required to undertake future capping and aftercare on the Tir John landfill site. As such a provision of £7.25m has been recognised in the 2013-14 accounts.
39. The Authority has taken the decision to enter into a procurement process for the future management of the site. This, combined with the Authority's own internal assessment of the likely future costs connected with the site, has informed the value of the provision for capping and aftercare.
40. Our work in this area is yet to be finalised. However, we have noted that the Authority has classified the entire provision as long term. The Authority estimates that £3.4m of the provision will be utilised in 2014-15 and as such we have proposed that this element of the provision is classified as short term.

### *Other significant issues arising from the audit*

41. In the course of the audit, we consider a number of matters both qualitative and quantitative relating to the accounts and report any significant issues arising to you. There were no significant issues arising in these areas this year:
  - **In our view the qualitative aspects of your accounting practices and financial reporting continues to improve.** Generally, we found the information provided to be relevant, reliable, comparable, material and easy to understand.
  - **We did not encounter any significant difficulties during the audit.** We received information in a timely and helpful manner and were not restricted in our work.

- **Other than matters previously reported, there are no additional matters discussed and corresponded upon with management which we need to report to you.**
- **There are no other matters significant to the oversight of the financial reporting process that we need to report to you.**
- **We did not identify any significant or material weaknesses in your internal controls to report to you.** We will report to you, all weaknesses in internal control that we have identified, and proposals for improvement, following completion of our audit.
- **There are no other matters specifically required by auditing standards to be communicated to those charged with governance.**

## Risk of Fraud

42. International Standards on Auditing (UK&I) state that we, as auditors, are responsible for obtaining reasonable assurance that the financial statements taken as a whole are free from material misstatement, whether caused by fraud or error.

Your responsibility as part of your governance role is:

- to evaluate management's identification of fraud risk, implementation of anti-fraud measures and creation of appropriate "tone at the top"; and
  - to investigate any alleged or suspected instances of fraud brought to your attention.
43. In presenting this report to you we ask for your confirmation that there have been no changes to your view of fraud risk and that no additional matters have arisen that should be brought to our attention. A specific confirmation in relation to fraud will be included in the letter of representation.

## Independence and objectivity

44. As part of the finalisation process, we are required to provide you with representations concerning our independence.
45. We have complied with ethical standards and in our professional judgment, we are independent and our objectivity is not compromised. There are no relationships between the Wales Audit Office or PricewaterhouseCoopers LLP and the City and County of Swansea that we consider to bear on our objectivity and independence.

## Fee update

46. The requirements of the Public Audit (Wales) Act 2013 introduced a slightly revised fee-setting requirement on the new Wales Audit Office for all audit work once its provisions came into effect from 1 April 2014. Accordingly, the Wales Audit Office have reviewed its cost allocation and apportionment processes to ensure that, going forward, our fee setting fully complies with these new statutory requirements. Our fees charged are:

	2013/14 fee
City and County of Swansea Financial Audit	£262,000
City and County of Swansea Performance Programme	£107,550

- 47.** Our fee for certification of grants and claims is yet to be finalised for 2013/14 and will be reported to those charged with governance in due course.

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## Audit of Financial Statements Report **City & County of Swansea Pension Fund**

**Audit year:** 2013-14

**Issued:** September 14

**Document reference:** C14213

### **Purpose of this document**

This document is a draft supplied in confidence solely for the purpose of verifying the accuracy and completeness of the information contained in it and to obtain views on the conclusions reached.

### **Handling prior to publication**

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# Status of report

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This document was produced by PricewaterhouseCoopers LLP on behalf of Anthony Barrett, the Appointed Auditor. The team who delivered the work included Kevin Williams, Engagement Leader and Rebecca Nelson, Engagement Manager.

# Contents

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Anthony Barrett, as Appointed Auditor, intends to issue an unqualified audit report on your financial statements. There are some issues to report to you prior to their approval.

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# Summary report

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## Introduction

1. Anthony Barrett, as Appointed Auditor, is responsible for providing an opinion on whether the financial statements give a true and fair view of the financial position of the City & County of Swansea Pension Fund as at 31 March 2014 and its income and expenditure for the year then ended. This report has been prepared and presented by PricewaterhouseCoopers LLP as sub-contract auditor appointed by the Auditor General for Wales.
2. We received the draft financial statements for the City & County of Swansea (the Authority), which included the draft financial statements of the City & County of Swansea Pension Fund, for the year ended 31 March 2014 on 8 July 2014 and have now substantially completed the audit work. We are reporting to you the more significant issues arising from the audit, which we believe you must consider prior to approval of the financial statements. The audit team has already discussed these issues with Mike Hawes (Head of Finance and Delivery/S151 Officer).
3. We do not try to obtain absolute assurance that the financial statements are correctly stated, but adopt the concept of materiality. In planning and conducting the audit, we seek to identify material misstatements in your financial statements, namely those that might result in a reader of the accounts being misled.
4. The quantitative levels at which we judge such misstatements to be material for the City & County of Swansea Pension Fund are £1,030,580 for the fund account and debtor/creditor balances and £13,769,080 for the net assets statement (excluding debtors & creditors balances). Whether an item is judged to be material can also be affected by certain qualitative issues such as legal and regulatory requirements and political sensitivity.
5. International Standard on Auditing (ISA) 260 requires us to report certain matters arising from the audit of the financial statements to those charged with governance of a body in sufficient time to enable appropriate action.
6. This report sets out for consideration the matters arising from the audit of the financial statements of the City & County of Swansea Pension Fund, for 2013-14, that require reporting under ISA 260.

## Proposed audit report

7. Subject to the satisfactory completion of the outstanding work, as detailed below, it is the Appointed Auditor's intention to issue an unqualified audit report on the financial statements once you have provided us with a Letter of Representation based on that set out in [Appendix 1](#).
8. At the date of our presentation of this report the following area of audit work was outstanding:
  - Final review of the financial statements.

---

## Significant issues arising from the audit

### Uncorrected misstatements

9. There are no misstatements identified in the financial statements, which remain uncorrected.

### Corrected misstatements

10. There are audit identified misstatements that have been corrected by management, but which we consider should be drawn to your attention due to their relevance to your responsibilities over the financial reporting process. They are set out with explanations in [Appendix 2](#).

### Other significant issues arising from the audit

11. In the course of the audit, we consider a number of matters both qualitative and quantitative relating to the accounts and report any significant issues arising to you. There were some issues arising in these areas this year:
  - **We have no concerns about the qualitative aspects of your accounting practices and financial reporting.** Generally, we found the information provided to be relevant, reliable, comparable, material and easy to understand. We concluded that accounting policies and estimates are appropriate and financial statement disclosures unbiased, fair and clear.
  - **We identified one issue during the course of the audit.** This relates to a Group transfer between the Fund and Powys Pension Fund which is explained in further detail below.
  - **We did not encounter any significant difficulties during the audit.** We received information in a timely and helpful manner and were not restricted in our work.
  - **There were no significant matters discussed and corresponded upon with management which we need to report to you.**
  - **There are no other matters significant to the oversight of the financial reporting process that we need to report to you.**
  - **We did not identify any material weaknesses in your internal controls but have made some recommendations to enhance the control environment.** This is explained in further detail below.
  - **There are no other matters specifically required by auditing standards to be communicated to those charged with governance.**

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## Issue identified during the course of the audit

### Powys Pension Fund Transfer In

12. Due to a further education college merger, the employees of the former Powys College transferred to Neath Port Talbot College and therefore a fund transfer from the Powys Pension Fund to the City and County of Swansea Pension Fund was needed.
13. The transfer of Powys College employees to the Neath Port Talbot section of the City & County of Swansea Pension Fund was approved by the Department for Communities and Local Government with effect from 1<sup>st</sup> August 2013.
14. We were advised by the auditors of the Powys Pension Fund that the fund intends to accrue £8.9m for the bulk transfer of employees of Powys College based on an actuarial estimation of the transfer value.
15. Management have contacted the actuary for the City & County of Swansea Pension Fund, who has confirmed that they are content with an £8.9m figure as a starting point for a value of the transfer, but will be looking to refine the figure in the near future. Management have therefore proposed and actioned an adjustment to their draft accounts to recognise this asset.

## There are no uncorrected misstatements

16. We report to you all uncorrected misstatements other than those of a clearly trivial nature (trivial is defined as entirely inconsequential, whether taken individually or in aggregate, either quantitatively and/or qualitatively). On the basis of the standard methodology applied by the Wales Audit Office, the financial limit for what is considered to be trivial has been calculated at £100,000.
17. The Authority has agreed to amend the financial statements for all items we have identified during our audit.
18. [Appendix 2](#) contains a summary of the corrections that have been made to the accounts presented for audit.

---

## Significant Risks

### Significant risks identified at the planning stage

19. During the planning stage of our audit and as documented within our Financial Audit Outline, we have considered the Fund's operations and assessed the extent to which we believed there were potential audit risks. We consider an audit risk to be the risk that we may reach an inappropriate opinion on the financial statements. In this report, we summarise the significant matters which we have considered throughout the course of the audit. See table below:

#### Summary of main audit risks

Significant Risks	Action Taken
<p><b>Management override of controls</b> The risk of management override of controls is present in all entities.</p> <p>Due to the unpredictable way in which such override could occur, it is viewed as a significant risk.</p>	<p>We have tested a sample of journals posted to the nominal ledger in the period, back to source documentation, without issue.</p> <p>From our consideration of management estimates, no issues have been identified.</p> <p>No significant transactions outside the normal course of business were identified.</p> <p>We have undertaken unpredictable procedures, to identify any potential false suppliers. No issues were identified.</p>

## The Appointed Auditor intends to issue an unqualified audit report

20. We report any proposed modifications to the standard auditor's report to ensure that you are aware of the reasons for the modifications and have the opportunity to provide any further information and explanations in respect of the matter giving rise to the modification.
21. The auditor's report comments on whether the accounts and related notes present fairly the financial transactions of the Fund during the year ended 31 March 2014 and

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the amount and disposition of the Fund's assets and liabilities as at 31 March 2014, other than liabilities to pay pensions and other benefits after the end of the Fund year.

- 22.** Subject to the satisfactory completion of the outstanding work, as noted earlier in this report, it is the Appointed Auditor's intention to issue an unqualified audit report on the financial statements once you have provided us with a Letter of Representation as set out in [Appendix 1](#).

## We did not identify any material weaknesses in your internal controls but have made some recommendations to enhance the control environment

- 23.** A material weakness in internal control is defined by ISA 260 as 'a deficiency in design or operation which could adversely affect the entity's ability to record, process, summarise and report financial and other relevant data so as to result in a material misstatement in the financial statements'.
- 24.** We do not, however, normally report information to you concerning a material weakness you know about and have taken appropriate action to correct, unless the weakness is symptomatic of broader weaknesses in the overall control environment and there is a risk that other material weaknesses may occur.
- 25.** You should be aware that we do not provide a comprehensive statement of all weaknesses that may exist in the internal controls, or of all improvements that may be made, but have addressed only those matters that have come to our attention as a result of the audit procedures performed.
- 26.** We did not identify any material weaknesses in controls. However we did note the following control points which are also included in [Appendix 3](#) to this report.

### Inaccurate pension contributions received from Celtic Community Leisure

- 27.** From our testing of individual contributions, sampled across a number of scheduled and admitted bodies, we have identified a number of contributions received from the same admitted body, Celtic Community Leisure, which have been identified as incorrect.
- 28.** In the cases sampled from Celtic Community Leisure, each employee had their contribution deductions calculated each month, based on a percentage of their annual full-time equivalent (FTE) contracted pay, divided by twelve. The correct amount that should have been deducted should be based on how much the employee had actually been paid in the month. These errors occurred in instances where the employee worked more or indeed less hours than 1 FTE and also occurred when an employee performed a different role to that contracted e.g. a supervisor role instead of a standard role, where there are differences in rates of pay. Of the nine samples selected from this admitted body, seven were identified as incorrect.



- 
29. We are aware that the control performed by Management of the Fund by assessing the Employee to Employer contributions ratio each month would not identify this issue and are also aware that Management of the Fund would not expect to obtain individual payslips from each of the Admitted and Scheduled bodies to allow them to identify this issue.
  30. Whilst we have assessed that these errors will not cause a material misstatement within the 2013/14 accounts, given that total contributions (Employer and Employee) for all employees from this admitted body for this period were £235k, we would recommend that management should request that Celtic Community Leisure review the contributions paid during 2013/14 to identify the actual amount of over/under payment made to the Fund and determine the appropriate correcting action.

#### Late payment of pension contributions

31. Regulation 81 (1) of the Local Government Pension Scheme Regulations 1997 requires employer authorities to pay employee contributions to the administering authority within 19 days of the end of the month to which they relate. As reported in prior periods, we have continued to identify payments from employers exceeding the 19 day rule. During testing of pension contributions we have noted a total of 30 late payments during the year (2012/13: 19).
32. Of the 30 late payments identified 11 related to Phoenix Trust which made one annual payment of contributions relating to 2013/14 in May 2014, 9 from Pelenna Community Council, 5 from Celtic Community Leisure and 5 from University of Wales Trinity Saint David. The late paying bodies, apart from Phoenix Trust, are consistent with the prior year.
33. We recognise that management has communicated with these consistent late payers regularly during the year. We recommend that management, supported by the Pension Fund Committee, reminds the bodies concerned, of their obligations under the Local Government Pension Scheme Regulations 1997 to ensure a timely payment of contributions to the Fund.

#### Membership Numbers – Information Flow

34. The Pensions department of the Authority is dependent on receiving timely information from the scheduled and admitted bodies. Due to the strict accounts preparation timetable, not all information is received by the pensions' team prior to the preparation of the draft accounts. As reported previously, we have identified membership number variances that are associated with the late provision of information. As part of our audit of the Fund, we are required to review membership numbers.
35. Our review of the 2013/14 opening membership numbers identified that there was a total net difference of 366 members (2013:110) between the totals carried forward in

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2012/13 when compared to the totals brought forward to 2013/14. Discussions with management confirmed that the differences have arisen as a result of the delay in the Fund administration team receiving information from the various scheduled and admitted bodies. We recommend that the Authority reminds all external bodies of the importance of the provision of accurate and timely information to the administration team to ensure the accuracy of the figures within the financial statements.

## Risk of Fraud

36. International Standards on Auditing (UK&I) state that we, as auditors, are responsible for obtaining reasonable assurance that the financial statements taken as a whole are free from material misstatement, whether caused by fraud or error.
37. Your responsibility as part of your governance role is:
  - to evaluate management's identification of fraud risk, implementation of anti-fraud measures and creation of appropriate "tone at the top"; and
  - to investigate any alleged or suspected instances of fraud brought to your attention.
38. In presenting this report to you we ask for your confirmation that there have been no changes to your view of fraud risk and that no additional matters have arisen that should be brought to our attention. A specific confirmation from management in relation to fraud is included in the letter of representation, see [Appendix 1](#).

## Independence and objectivity

39. As part of the finalisation process, we are required to provide you with representations concerning our independence.
40. We have complied with ethical standards and in our professional judgment, we are independent and our objectivity is not compromised. There are no relationships between the Wales Audit Office or PricewaterhouseCoopers LLP and the City & County of Swansea Pension Fund that we consider to bear on our objectivity and independence.

## Fee Update

41. The requirements of the Public Audit (Wales) Act 2013 introduced a slightly revised fee-setting requirement on the new Wales Audit Office for all audit work once its provisions came into effect from 1 April 2014. Accordingly the Wales Audit Office have reviewed its cost allocation and apportionment processes to ensure that, going forward, our fee setting fully complies with these new statutory requirements.

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**42.** Our fees charged are:

	2013/14 fee
City and County of Swansea Pension Fund	£50,000

# Appendix 1

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## Letter of Representation

### Appointed Auditor

Wales Audit Office  
24 Cathedral Road  
Cardiff  
CF11 9LJ

PricewaterhouseCoopers LLP  
One Kingsway  
Cardiff  
CF10 3PW

XX September 2014

## Representations regarding the 2013-14 Financial Statements

This letter is provided in connection with your audit of the financial statements of the City & County of Swansea Pension Fund (the Fund) for the year ended 31 March 2014.

We confirm that to the best of our knowledge and belief, having made enquiries as we consider sufficient, we can make the following representations to you.

## Management representations

### Responsibilities

We have fulfilled our responsibilities for the preparation of the financial statements in accordance with legislative requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2013/14; in particular the financial statements give a true and fair view in accordance therewith.

We acknowledge our responsibility for the design, implementation, maintenance and review of internal control to prevent and detect fraud and error.

### Information provided

We have provided you with:

- full access to:
  - all information of which we are aware that is relevant to the preparation of the financial statements such as books of account and supporting documentation, minutes of meetings and other matters;

- 
- additional information that you have requested from us for the purpose of the audit; and
  - unrestricted access to staff from whom you determined it necessary to obtain audit evidence.
  - the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud;
  - our knowledge of fraud or suspected fraud that we are aware of and that affects the City & County of Swansea Pension Fund and involves:
    - management;
    - employees who have significant roles in internal control; or
    - others where the fraud could have a material effect on the financial statements.
  - our knowledge of any allegations of fraud, or suspected fraud, affecting the financial statements communicated by employees, former employees, regulators or others;
  - our knowledge of all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements;
  - the identity of all related parties and all the related party relationships and transactions of which we are aware;

## Financial statement representations

All transactions, assets and liabilities have been recorded in the accounting records and are reflected in the financial statements.

Significant assumptions used in making accounting estimates, including those measured at fair value, are reasonable.

Related party relationships and transactions have been appropriately accounted for and disclosed.

All events occurring subsequent to the reporting date which require adjustment or disclosure have been adjusted for or disclosed.

All known actual or possible litigation and claims whose effects should be considered when preparing the financial statements have been disclosed to the auditor and accounted for and disclosed in accordance with the applicable financial reporting framework.

The financial statements are free of material misstatements, including omissions. The effects of uncorrected misstatements identified during the audit are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

## Representations by those charged with governance

We acknowledge that the representations made by management, above, have been discussed with us.

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We acknowledge our responsibility for the preparation of true and fair financial statements in accordance with the applicable financial reporting framework. The financial statements were approved by the City & County of Swansea (the authority) on [insert date].

Signed by

S.151 Officer

Date

Leading Member

Date

## Appendix 2

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### Summary of corrections made to the draft financial statements which should be drawn to the attention of the Pension Fund Committee

During our audit we identified the following misstatements that have been corrected by management, but which we consider should be drawn to your attention due to their relevance to your responsibilities over the financial reporting process.

Value of correction	Nature of correction	Reason for correction
£2,062,411	Reclassification of dividends due from Current Assets to Other Investment Balances.	For compliance with the Code of Practice on Local Authority Accounting in the United Kingdom 2013/14.
£1,288,768	Harbourvest private equity fund was undervalued by this amount within the draft financial statements.  Management has explained that due to the Harbourvest 90 day reporting period, they initially posted an estimated figure provided by Harbourvest, within the draft accounts.	To adjust the Harbourvest private equity fund valuation within the financial statements to that subsequently confirmed by the investment manager as at 31 March 2014.
£152,623	Within creditors as at 31 March 2014 there were two accruals relating to investment manager fees for the 12/13 period which had not been released to the fund account for Aberdeen (£111,175) and for JP Morgan (£41,448).	Accruals were not required for Aberdeen and JP Morgan as both investment managers confirmed that no fees were due.

# Appendix 3 - Recommendations made to improve internal controls

Observation	Implication	Recommendation	Management Response
<p><b>1. Inaccurate contribution deductions from Celtic Community Leisure</b>            There have been a number of incorrect contributions received as identified from a sample of individuals tested at this admitted body.</p>	<p>Employees at Celtic Community Leisure will have been over or underpaying contributions (as applicable) during current and prior periods.</p>	<p>We would recommend that management request that Celtic Community Leisure review the contributions paid during 2013/14 to identify the actual amount of over/under payment made to the Fund and determine the appropriate correcting action.</p> <p><b>Risk rating: Moderate</b></p>	<p>Management shall write to Celtic Community Leisure to request suitable checks and controls are implemented to mitigate these instances occurring. It should be noted that the any over/under payment by an employer will be recognised at the triennial valuation and their respective contribution rate adjusted accordingly.</p>
<p><b>2. Late payment of contributions</b>            There have been late receipts of contributions from a number of admitted and scheduled bodies.</p>	<p>Regulation 81 (1) of the Local Government Pension Scheme Regulations 1997 requires employer authorities to pay employee contributions to the administering authority within 19 days of the end of the month to which they relate.</p>	<p>We recommend that management reminds any scheduled and/or admitted body that makes a late payment, of their obligations under the Local Government Pension Scheme Regulations 1997 to ensure a timely receipt of contributions from each of the bodies. We also recommend that appropriate penalties are introduced for those bodies that consistently breach the regulations. This should assist in improving the timeliness of the receipt of contributions.</p> <p><b>Risk rating: Low</b></p>	<p>The measures recommended are currently implemented. The impact on cashflow of the late payments identified is infinitesimal.</p>



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### 3.Membership numbers

During our testing it was identified that there was a net difference of 366 member numbers between the closing 12/13 balance and the opening 13/14 balance.

Inaccurate data could lead to inaccurate figures in the financial statements.

We recommend that the Authority reminds all external bodies of the importance of accurate and timely information to the administration team to ensure the accuracy of the figures within the financial statements.

**Risk rating: moderate**

All employers have signed up to and agreed to comply with the reporting timescales within The Administering Authority Strategy Statement . Employers are also reminded of their obligations at regular roadshows and seminars.

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## Report of the Cabinet Member for Citizen, Community Engagement and Democracy

Cabinet – 23 September 2014

### CORPORATE COMPLAINTS ANNUAL REPORT 2013-2014

**Purpose:** To report on the operation of the Corporate Complaints Team, highlighting the number, nature and outcome of complaints made against the Authority, together with details of lessons learned and service improvements.

The following reports have been prepared separately in conjunction with this report, and are appended for information purposes:

- Adult Social Services Complaints;
- Child and Family Services Complaints;
- Freedom of Information Act (FOI);
- Regulation of Investigatory Powers Act (RIPA).

**Report Author:** Andrew Taylor (Complaints Manager)

**Finance Officer:** Carl Billingsley

**Legal Officer:** Janet Hooper

**Access to Services Officer:** Euros Owen

#### FOR INFORMATION

#### 1. Introduction

- 1.1 The City and County of Swansea is a large organisation providing a variety of services and whilst every effort is made to carry out these services accurately and professionally, it is inevitable that mistakes are sometimes made.
- 1.2 Members of the public complain for various reasons, such as lack of action/consultation, delay, staff attitude etc. Customers wishing to voice their dissatisfaction or concerns are dealt with open-mindedly and impartially by the Complaints Team.
- 1.3 The Council recognises that in order to meet the needs and concerns of members of the public, the monitoring of complaints is a valuable resource in its requirement to continually improve services. **Appendix 1** contains all statistical tables referred to in this report.

## **2. Requests for Service (RFS)**

- 2.1 A request for service is not a complaint (e.g. a request for service could be a request to repair an unlit lamp post). A complaint would only arise should the request for service not be properly dealt with. The Complaints Team take calls of this nature and liaise with the service department to ensure they are processed, to avoid a public perception of being “pushed from pillar to post”.

## **3. The Corporate Complaints Process**

- 3.1 A new complaints policy was adopted by the Authority with effect from 01/04/2013 in line with the Welsh Government Model Complaints Policy issued in 2011.

- 3.2 The new policy has streamlined the complaints process, reducing the number of internal stages from 3 to 2. The Welsh Government Model has now been adopted by 20 of the 22 Welsh Authorities, providing greater consistency to the way complaints are handled nationally.

### **3.3 Stage 1 Complaints**

- 3.3.1 The majority of Stage 1 complaints are dealt with by the relevant service area. When a complaint spans several different service areas, the complaints team will coordinate the handling of the complaints and provide a single, substantive response. Additionally, where a member of the public will not accept the information given to them by departmental staff, the complaints team in most cases will work as the intermediary to try and resolve the issues.

- 3.3.2 Stage 1 complaints should be responded to or actioned within 10 working days.

- 3.3.3 Initial complaints may be made to the Complaints Team or to the Service Department. The figures shown in this report reflect Stage 1 complaints that have been received by the Complaints Team; it does not include complaints that went directly to the service departments. A more robust analysis of all Stage 1 complaints will be undertaken next year following the introduction of a central stage 1 complaint monitoring system.

### **3.4 Stage 2 Complaints**

- 3.4.1 If a complainant is dissatisfied with the outcome of a Stage 1 complaint, they may request that the matter be investigated by the Complaints Team, which is independent of the service department.

- 3.4.2 The Complaints Team will carry out an investigation, re-examining those issues with which the complainant remains aggrieved. This investigation will include a review of all relevant correspondence, and often incorporates separate discussions with both the complainant and with relevant officers from

the service department(s) concerned. Stage 2 complaints should be responded to within 20 working days.

- 3.4.3 Complainants who remain unhappy with the outcome of the Stage 2 investigation by a Complaints Officer can refer their complaint to the Public Services Ombudsman for Wales (the Ombudsman).

### **3.5 The Ombudsman**

- 3.5.1 Should a complainant remain dissatisfied following completion of the two internal complaint stages, they can take their complaint to the Ombudsman's office for independent investigation.
- 3.5.2 The Ombudsman will usually check with the Authority whether or not the complaint has been through Stages 1 & 2 of the Authority's complaints procedure. Where this has not been done, the Ombudsman will usually refer the complaint back to the Authority, to give us an opportunity to attempt to resolve the complainant's concerns through our internal complaints processes first.

## **4. The Social Services Complaints Process**

- 4.1 A complaints procedure for Social Services is a statutory requirement, and a summary of the process is set out below.
- 4.2 **Stage 1:** The first stage is dealt with by the service section and a response must be made within 10 working days.
- 4.3 **Stage 2:** This stage is investigated by an Independent Investigator and a report should be issued by the Complaints Team within 25 working days of the start of this stage of the complaint. Should the complainant remain unhappy they can escalate their concerns to stage 3.
- 4.4 **Stage 3:** This stage is investigated by an external body the Independent Complaints Secretariat and consists of a panel who review the complaints handling and the response of the authority's Stage 2.
- 4.5 Details of Social Services complaints are contained in separate annual reports. Full details of Social Services Complaints for Adult and Directorate Services are shown in **Appendix 2** and complaints for Child and Family Services are shown in **Appendix 3**.

## **5. Corporate Complaints Received**

- 5.1 **Table 1** shows details of complaints received directly by the Complaints Team during the 2013-2014, together with 2012-2013 figures for comparison.

- 5.2 **Tables 2 to 6** provide a further breakdown for each Directorate by section.
- 5.3 On each of these tables (1 to 6), a row has been added for comments received. These are cases where an individual has made a comment regarding a service as opposed to a complaint, which is then passed on to the relevant service unit for information. These comments may be negative or positive.
- 5.4 **Table 7** provides the total complaints received at each stage of the complaints process. Figures for 2012-2013 are also provided for comparison.

## **6. Cases reported to the Ombudsman**

- 6.1 **Table 8** shows details of the complaints received by the Ombudsman during this reporting period.
- 6.2 There have been a total of 64 complaints to the Ombudsman this year, a considerable increase on the 36 received during 2012/13. It is possible that this increase was partly a result of the removal of the Stage 3 from our complaints process, at which stage a number of 'loose end' issues have historically been resolved prior to the complaint being referred to the Ombudsman.
- 6.3 Of the 64 complaints received by the Ombudsman this year, only 3 complaints were upheld/partly upheld and 5 matters were resolved by quick fix/voluntary settlement.

## **7. Service improvements introduced following complaint investigations**

- 7.1 Lessons can usually be learned from complaints received; both those that are upheld, and in many cases where the complaint was not upheld but the Authority recognises that improvements to services can be made. Examples of improvements made this year following complaint investigations by the Corporate Complaint team are as follows:
- 7.2 There are often cases where mediation is more productive than an investigation of a complaint. The Complaints Team will, wherever possible, seek to resolve complaints using alternative dispute resolution where it is considered that such an approach would be more appropriate.
- 7.3 Occasionally during the course of an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the "bigger picture" to ensure that residents receive the best possible service from the Council.
- 7.4 **Complaint 1:** A resident whose property had been included in the Hafod Renewal Scheme was unhappy with the standard of work undertaken to the windows and frontage of his property.

- 7.4.1 **Outcome of complaint 1:** Following investigation it was found that the work undertaken was below the expected standard and following recommendations from the Complaints Team further remedial works were undertaken by the service department.
- 7.5 **Complaint 2:** A resident complained about the extent of Japanese knotweed growing on Council land next to her property concerned in case it would encroach on her land, the resident was not happy with the lack of response from the Service Department.
- 7.5.1 **Outcome of complaint 2:** Following a Stage 2 investigation arrangements were made for a 3 year treatment plan that had been put in place to be clearly explained to the resident.
- 7.6 **Complaint 3:** The mother of a child with special educational needs was dissatisfied with the level of speech and language therapy (SLT) being provided as it was not in accordance with the statement of educational needs.
- 7.6.1 **Outcome of complaint 3:** Following a Stage 2 investigation, arrangements were made for a service level agreement to be drawn up between the Health Board and the Council concerning the provision and funding of SLT services to children.
- 7.7 **Complaint 4:** A resident who had made arrangements to collect documentation, which was sensitive in nature from the Contact Centre was aggrieved that he was not required to provide details of his identification when collecting this information
- 7.7.1 **Outcome of complaint 4:** Following investigation it was found that procedures for ensuring that documentation was being collected by the appropriate person needed to be reinforced. A new procedure was developed to improve data security which is now routinely being implemented.
- 7.8 **Complaint 5:** A resident was aggrieved following the erection of a new lamp post adjacent to her property as light was spilling into her home.
- 7.8.1 **Outcome of complaint 5:** Following investigation, it was discovered that appliances were available to provide shielding against the inadvertent spillage of light and arrangements were made for one of these appliances to be installed.
- 7.9 **Complaint 6:** A Council tenant reported problems with flooding that had not been addressed despite making several representations to the Service Department.
- 7.9.1 **Outcome of complaint 6:** Following a site visit from a Complaints Officer it was discovered that there was an unreported case of overcrowding at the property which resulted in an increase to their housing relocation points. This in turn resulted in the family being re-housed within an area of their choice and allowed the Service Department to carry out the required repairs to the (now vacant) previous property.

- 7.10 **Complaint 7:** A Swansea businessman was disgruntled that the works being undertaken on the Boulevard Scheme was affecting his trading and would in the long term result in removal of access for vehicular access.
- 7.10.1 **Outcome of complaint 7:** The Complaints Team following discussions with the Highways and Regeneration departments negotiated a compromise solution to alleviate the vehicular access problems and to minimise disruption to trade.
- 7.11 Where Service Departments agree to take follow up action as an outcome from a complaint investigation, the Complaints Team may inform Internal Auditors (when deemed appropriate) in order to ensure that changes have been implemented. In these circumstances, compliance checks can be made as part of the next internal audit of that section.
- 7.12 Regular reminders are given to departments to follow corporate guidelines with regards to the importance of acknowledgement letters and responses.

## **8. Comments / Compliments**

- 8.1 Members of the public often feel that their experiences should be recorded without necessarily requiring a response. When comments of this nature are received we acknowledge and forward to the relevant service area. This has a positive impact on staff morale and allows departments to recognise good practices.

## **9. Other Functions carried out by the Complaints Team**

### **9.1 Implementing & Providing Advice on Use of the Unreasonable Customer Behaviour Policy.**

- 9.1.1 A revised Unreasonable Customer Behaviour Policy was adopted by the Authority with effect from wef 1 May 2013. There are occasions when customers act in an unacceptable or unreasonable manner. In some cases the frequency and nature of their contact with the Authority can hinder the consideration of their own or other people's enquiries. In some instances the sheer number or nature of their inquiries lead them to be considered as 'persistent' or 'vexatious' in their dealings with staff. The revised policy provides a robust mechanism for dealing with situations whenever such circumstances arise.
- 9.1.2 The Team have issued several letters asking members of the public to moderate their behaviour and on occasion to use the Team as a single point of contact within the Authority. In addition the Democratic Services and Complaints Manager has written to individuals restricting contact. An example of a restriction is where a member of the public is restricted to contacting the Council in writing only.



- 9.1.3 The Team collaborates with departmental staff in a consultative capacity and ensure that a consistent and corporate approach is followed in relation to the way in which they are treated by members of the public. Staff are reminded to complete HS3 forms when incidents of abusive behaviour have occurred. These forms, which are collated and recorded by the Occupational Health Unit, can be used in the decision process when consideration is given to implementing the behaviour policy.
- 9.1.4 The Authority has a duty of care to its staff; in line with this, a revised policy will be launched in Spring 2013, providing more comprehensive guidance on appropriate measures that may be implemented where customers' actions are deemed to be unreasonable or unacceptable.

## **9.2 Code of Conduct Complaints**

- 9.2.1 Details of complaints against Councillors under the Code of Conduct are contained in the Standards Committee Annual Report which will be presented to Council later this year.

## **9.3 Freedom of Information Requests**

- 9.3.1 Requests for information continues to be a growth area, with year on year increases since the inception of the Freedom of Information Act in 2000 and the right to request information which came into force on 1 January 2005. The Complaints Team started closely monitoring information requests in 2005-2006, when there were just 320 requests and 14 reviews. This figure has grown year on year, reaching an all-time high of **1123** requests and **24** reviews this year.

## **9.4 Subject Access Requests**

- 9.4.1 A Subject Access Request is a request made by an individual under the Data Protection Act for personal data held on them. Co-ordinating subject access requests is a role that the Complaints Team have undertaken since January 2010. At present the requests are in much smaller numbers than the Freedom of Information requests, however this is also an area that is increasing as individuals become more aware of their right to have sight of their personal information.
- 9.4.2 Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2013-2014 at **Appendix 4**.

## **9.5 Regulation of Investigatory Powers Act**

- 9.5.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity where it is required for the purpose of preventing or detecting crime or of preventing disorder. This is now subject to Magistrates Court approval.
- 9.5.2 Detailed analysis can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2013-2014 at **Appendix 5**.

## **10. Conclusion**

- 10.1 This has again been a busy year for the Complaints Team. The total number of complaints & Requests for Service handled by the team has risen by **4.5 %** on last year, and requests for information have increased by a further **23.8%**.
- 10.2 The public's expectation of the Authority appears to be more demanding, despite efforts to manage customer expectations. On occasion, behaviour toward staff members has been unreasonable, and this has been addressed by use of warning letters asking individuals to moderate future behaviour.
- 10.3 As volumes of Information Requests continue to increase, facilitating the provision of information is becoming far more onerous across the Authority as there is no scope for increase in resources. As a result, the percentage of response times exceeding the 20 working day statutory deadline has increased.
- 10.4 In order to obtain a clearer picture of Stage 1 complaints made across the Authority and their outcomes, a system was piloted this year for the central logging of all Stage 1 Complaints. The system will be live from 1 April 2014 and more detailed analysis of Stage 1 complaints received across the Authority will be included in next year's Annual Report.

## **11. Equality and Engagement Implications**

- 11.1 Consultation exercises and Equality Impact Assessments were carried out in relation to the revised Complaints Policy and Customer Behaviour Policy introduced this year.

## **12. Financial Implications**

- 12.1 All costs incurred in dealing with complaints have to be covered from within existing budgets.

## **13. Legal Implications**

- 13.1 None.

**Background papers:** None.

**Appendices:** Appendix 1 - Corporate Complaints - statistical data  
Appendix 2 - Adult Social Services Complaints Annual Report;  
Appendix 3 - Child and Family Services Complaints Annual Report;  
Appendix 4 - Freedom of Information Act (FOI) Annual Report;  
Appendix 5 - Regulation of Investigatory Powers Act (RIPA) Annual Report.

**Appendix A – Corporate Complaints Annual Report - Statistical data**

<b>TABLE 1: Complaints recorded from 1 April 2013 to 31 March 2014 by Directorate</b>														
	Environment		Regeneration		Education		Housing		Social Services		Chief Executive		TOTALS	
	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014
Stage 1	434	395	65	67	10	15	194	244	5	21	65	110	773	852
Stage 2	38	41	5	7	1	6	32	19	0	0	19	15	95	88
Stage 3	10	0	2	0	0	0	8	0	3	0	5	0	28	0
PSOW	10	16	2	1	1	3	8	3	14	5	1	5	36	33
RFS	194	202	21	26	0	1	44	58	1	10	56	55	316	352
Comments	10	-	5	-	0	-	4	-	0	-	3	-	22	-
<b>Totals</b>	<b>696</b>	<b>654</b>	<b>100</b>	<b>101</b>	<b>12</b>	<b>25</b>	<b>290</b>	<b>324</b>	<b>23</b>	<b>36</b>	<b>149</b>	<b>185</b>	<b>1270</b>	<b>1325</b>

<b>TABLE 2: Breakdown of CHIEF EXECUTIVES Complaints Received</b>																				
	Legal		Corporate Property		Procurement		Budget		Finance		Communications		HR & OD		ICT		Performance		Total	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14
Stage 1	5	3	3	4	1	2	0	0	38	82	0	2	6	6	2	2	0	9	55	110
Stage 2	3	2	0	1	0	1	0	0	4	8	0	0	1	2	0	0	2	1	10	15
Stage 3	2	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	1	0	5	0
PSOW	0	0	0	1	0	0	0	0	1	4	0	0	1	0	0	0	0	0	2	5
RFS	0	0	0	1	0	0	0	0	47	50	1	1	8	2	0	0	0	1	56	55
Comments	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	3	0
<b>Total</b>	<b>10</b>	<b>5</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>92</b>	<b>144</b>	<b>1</b>	<b>3</b>	<b>18</b>	<b>10</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>11</b>	<b>131</b>	<b>185</b>

TABLE 3: Breakdown of Education Complaints Received								
	Education Effectiveness		School Planning and Resources		Inclusion		Totals	
	2012/13	2013/14	2012/13	2013/14	2012/13	2013/14	2012/13	2013/14
Stage 1	10	15	0	0	0	0	10	15
Stage 2	1	6	0	0	0	0	1	6
Stage 3	0	0	0	0	0	0	0	0
PSOW	1	3	0	0	0	0	1	3
RFS	0	1	0	0	0	0	0	1
Comments	0	0	0	0	0	0	0	0
<b>Total</b>	<b>12</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>25</b>

TABLE 4: Breakdown of ENVIRONMENT Complaints Received										
	Planning		Environmental Health Services		Environmental Management & Protection		Technical Services		Totals	
	2012/13	2013/14	2012/13	2013/14	2012/13	2013/14	2012/13	2013/14	2012/13	2013/14
Stage 1	21	13	28	43	210	178	173	161	432	395
Stage 2	11	13	6	9	4	5	17	14	38	41
Stage 3	3	0	1	0	0	0	6	0	10	0
PSOW	4	7	1	4	0	0	5	5	10	16
RFS	3	4	10	19	72	73	109	106	194	202
Comments	0	0	1	0	3	0	6	0	10	0
<b>Total</b>	<b>42</b>	<b>37</b>	<b>47</b>	<b>75</b>	<b>289</b>	<b>256</b>	<b>316</b>	<b>286</b>	<b>694</b>	<b>654</b>

TABLE 5: Breakdown of HOUSING Complaints Received						
	Property Services		Housing		Totals	
	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014
Stage 1	117	104	77	140	194	244
Stage 2	16	6	16	13	32	19
Stage 3	2	0	6	0	8	0
PSOW	1	1	7	2	8	3
RFS	23	24	21	34	44	58
Comments	3	0	1	0	4	0
<b>Total</b>	<b>162</b>	<b>135</b>	<b>128</b>	<b>189</b>	<b>290</b>	<b>324</b>

TABLE 6: Breakdown of REGENERATION Complaints Received								
	Culture and Tourism		Community Regeneration		Strategic Development & Projects		Totals	
	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014	2012/2013	2013/2014
Stage 1	64	67	1	0	0	0	65	67
Stage 2	5	7	0	0	0	0	5	7
Stage 3	2	0	0	0	0	0	2	0
PSOW	1	1	1	0	0	0	2	1
RFS	21	26	0	0	0	0	21	26
Comments	5	0	0	0	0	0	5	0
<b>Total</b>	<b>98</b>	<b>101</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>101</b>

TABLE 7: Comparison of total complaints received with the Previous Year					
	April 2012	March 2013	April 2013	March 2014	Difference (+ or -)
Stage 1		773	852		+79
Stage 2		95	88		-7
Stage 3		28	0		-28
PSOW		36	33		-3
RFS		316	352		+36
<b>Total</b>		<b>1248</b>	<b>1325</b>		<b>+77</b>

TABLE 8: Breakdown of Public Services Ombudsman for Wales Complaints		
	2012/13	2013/14
Not taken up by PSOW for investigation	17	30
Investigated	19	34
<b>TOTAL</b>	<b>36</b>	<b>64</b>
<i>Of those investigated:</i>		
Ongoing	2	0
Not Upheld / Discontinued	14	27
Withdrawn By Complainant	1	1
Quick Fix		5
Local Resolution / Section 21 (Report Not For Publication)	2	1
Section 16 (Publicised Report)	0	0

<b>Table 9: Compliments Received</b>
Staff in the contact centre have been praised as “being professional, courteous, amazingly efficient while maintaining a sense of humour and providing exceptional service”
The Council’s graffiti team have been praised as being “very friendly and cheerful – angels of cleanliness”
Library services right across the City & County of Swansea have been praised for their “informative and helpful manner”
Comments on Benefits staff include the staff being “helpful and explaining things clearly and making the claims easy to understand”.
Staff dealing with bus passes and blue badges have been praised for their understanding, exceptional service and being extremely helpful.
During recent street works in Dunvant, staff who were resurfacing the pavements were praised by residents in being helpful and assisting elderly and disabled residents with access to and from their properties during the work schedule.
On-line feedback is also encouraged and positive feedback has been received on over 80 occasions. Feedback range across council services and repeat some of the comments on services detailed above. Comments received include praise on the council’s wild flower initiative and the exhibition commemorating World War 1.

**Report of the Cabinet Member for  
Citizen, Community Engagement & Democracy**

**Corporate Briefing – 2 September 2014**

**ADULT AND DIRECTORATE SERVICES COMPLAINTS  
ANNUAL REPORT 2013-2014**

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Adult Social & Directorate Services for the period 1 April 2013 to 31 March 2014.
<b>Report Author:</b>	Andrew Taylor, Complaints Manager
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officer:</b>	Euros Owen
<b>FOR INFORMATION</b>	

**1.0 Introduction**

- 1.1 The City and County of Swansea (CCS) Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to express their opinions. This procedure has been produced in accordance with the Welsh Assembly Government's 2005 social services complaints guidance "Listening and Learning".
- 1.2 CCS Adult and Directorate Services are committed to ensuring that views are listened to, and that concerns are resolved quickly and efficiently. Information gleaned from this process is used to inform service development.
- 1.3 Early resolution of complaints is encouraged and the teams are proactive in endeavouring to resolve matters where possible. Lessons learnt from complaints are shared back to the relevant team and where appropriate to other teams.
- 1.4 Where information learned from complaints would apply to Adult Services, this information is shared with the Complaints Team to disseminate to Adult Services.

- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with Listening and Learning, their complaints may be dealt with under the corporate complaint procedure to ensure that everyone is able to voice their concerns and that complaints are accessible to all.
- 1.6 Local authorities are required to produce an Annual Report by the following Regulations:
- § The Representations Procedure (Children)(Wales) Regulations 2005, Regulation 20
  - § The Social Services Complaints Procedure (Wales) Regulations 2005, regulation 30)
- 1.7 This process will help the authority keep itself informed about the operation of its complaints procedure and the report has been compiled in line with requirements outlined in the "Listening and Learning" guidance document.
- 1.8 Appendix 1 contains all tables referred to in this report.

## **2. Total Complaints received during the reporting period**

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Adult Services with the previous two years' figures for comparison.
- 2.2 There has been an increase in the number of Stage 1 complaints received this year, with the overall number of complaints rising by 22%.
- 2.3 No anonymous complaints have been received this year.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**.
- 3.2 There has been a significant rise in the number of complaints in relation to the Health & Care Home Services, which have risen from 10 in 2012/13 to 48 complaints over the course of this year.
- 3.3 Conversely, complaints in relation to Disability Services have fallen from 28 in 2012/13 to 7 this year.
- 3.4 The reasons for complaints are shown in **Table 5**. As the subject of complaints is often complex, for reporting purposes they are categorised under general headings for ease of reference.



#### **4. Stage 2 Complaints**

- 4.1 The progression to Stage 2 of the complaints procedure usually means that we have not been able to resolve the issues to the complainant's satisfaction at stage 1.
- 4.2 The complaint regulations give an eligible complainant the statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1.
- 4.3 An independent person is commissioned for a Stage 2 investigation. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has criteria for who can raise a complaint. Outside this criteria, complaints made which relate to social services are handled through the Authority's Corporate Complaints Procedure. No complaints were received in respect of Adult organisational issues this year.
- 4.6 The timeframe for Stage 2 of the complaints procedure is 25 working days, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. This year all investigations were subject to extended periods of time.
- 4.7 In the absence of an alternative reporting platform, as the responsibility for co-ordinating this safeguarding function rest with the local authority, procedural Protection of Vulnerable Adults ("POVA") investigations are included within this report for information purposes.
- 4.11 On occasions a complaint may be a difference of opinion rather than evidence of an actual wrongdoing.
- 4.12 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process.
- 4.13 There have been 4 complaints taken to Stage 2 in this reporting period.
- 4.14 Summary of Stage 2 complaints**
- 4.15 Case 1: Health & Care Home Services: 4 out of 6 complainants upheld**
- 4.15.1 The husband of a service user complained that correct processes were not followed in relation to the financial assessment and residential care choice

procedures for his wife. He was also unhappy with the time that was taken to deal with his initial complaint.

4.15.2 The case highlighted a failure by the Authority to provide the complainant with a list of Residential Care Homes to consider, limiting his choice of accommodation for his wife.

4.15.3 Lessons from this complaint resulted in a new procedure being developed to ensure that persons placed in respite care cannot be placed with a view to permanency without access to choice.

#### **4.16 Case 2: Learning Disability Care Management: 0 out of 4 complaints upheld (1 impasse)**

4.16.1 A service user of a day services centre suffered a seizure whilst being transported from respite. Concerns were expressed by the service user's family that the level of care provided was below standard and medication was not properly administered.

4.16.2 One of the complaint issues could not be determined because there were conflicting accounts as to what had actually happened. In this case, without further evidence in support of either party, the outcome was recorded as an impasse.

4.16.3 As a result of the complaint, additional measures have been put in place to further safeguard the service user and others whilst being transported.

#### **4.17 Case 3: Learning Disability Care Management: Not pursued**

4.17.1 A complaint was received in relation to the care plan for a service user from family members, however this complaint was not pursued by the complainant.

#### **4.18 Case 4: Mental Health & Adult Protection: 2 out of 2 complaints upheld**

4.18.1 A service user complained about the lack of consultation regarding changes to service provision at Llanfair House, and a failure by the Authority to provide adequate respite services.

4.18.2 As a result of this complaint, the Authority has noted the need to revisit its consultation processes and make appropriate provision for respite care for the service user concerned.

### **5. Stage 3 Panel Reviews**

5.1 Within the formal complaints procedure, when dissatisfaction remains after Stage 2, or if the Authority has failed to respond to a complaint within three months of it being raised, the complainant may progress the issues for an independent panel hearing (Stage 3).

5.2 Stage 3 is part of the internal social services complaints procedure but is administered by an external body, the Independent Complaints Secretariat (ICS) for the Welsh Government (WG). The Panel consists of three people appointed from a pool of people retained by the ICS for this purpose, a layman, lay chairman and expert member.

5.3 There were no Stage 3 complaints this year.

## **6.0. Complaints made to the Public Services Ombudsman for Wales (PSOW)**

6.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the Ombudsman's office can be found at <http://www.ombudsman-wales.org.uk>

6.2 **Table 4** shows a breakdown by service area of complaints made to the PSOW. During this year, the Authority was notified of 2 complaints to the PSOW. This is a reduction from the 7 referrals to the Ombudsman last year.

### **6.4 Ombudsman Case 1: Mental Health & Adult Protection: Not Investigated**

6.4.1 The Ombudsman determined that the complaint, which related to safeguarding matters, fell outside the remit of the Social Services complaints procedure and directed the complainant to pursue their complaint through an alternative process.

### **6.5 Ombudsman Case 2: Health & Care Home Services: Not Investigated**

6.5.1 A number of complaints concerning both health matters and social care issues were referred by the Ombudsman's office to the NHS and the Authority respectively, as the complaints had not been through the internal complaints process of each public body.

## **7. Reasons for complaints and their outcome**

7.1 Further analysis of the reasons for complaints is shown in **Table 5**. Whilst service users have circumstances that are both unique and complex, complaints have been grouped under 'best fit' generic headings for reporting purposes.

7.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. The total number of complaints that were justified / partly justified this year (29 in total) has reduced on the equivalent figures for 2012/13 (34 in total).

## **8. Advocacy**

- 8.1 Advocacy services exist to represent service recipient's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services for all clients.
- 8.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **9.0 Compliments**

- 9.1 Set out in **Table 6** below are examples of the many compliments which have been passed to the complaints team. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.
- 9.2 As well as substantial acknowledgements of thanks from service users that are given to staff at the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process.
- 9.3 Many complaints are often accompanied by compliments for other elements of service provision.
- 9.4 Compliments received are an equal reflection of individual and team efforts and Adult Services teams should be encouraged by their successes having regard to compliments received.

## **10. Equality and Engagement Implications**

- 10.1 There are no equality and engagement implications

## **11. Financial Implications**

- 11.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Legal Services.
- 11.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2013/14 for Adult & Directorate Services was £11,216.38

**12. Legal Implications**

12.1 None

**Background papers:** None

**Appendices:** Appendix 1 – Statistical Data Tables

**Appendix 1 – Statistical data in Tables**

<b>Table 1 - Total number of complaints received by Complaint Team</b>				
	<b>Year</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
<b>Information Purposes</b>		-	-	1
<b>Adult Protection</b>		-	-	-
<b>Corporate</b>		-	1	2
<b>Stage 1</b>		97	103	126
<b>Stage 2</b>		7	7	4
<b>Stage 3</b>		2	1	-
<b>Ombudsman</b>		5	7	2
<b>Total No of Complaints</b>		<b>111</b>	<b>119</b>	<b>135</b>

<b>Table 2 – Total Stage 1 complaints by Service Area</b>	
Administration and Support Services	<b>9</b>
Community & Intermediate Care	<b>5</b>
Disability Services	<b>7</b>
External Service Providers	<b>1</b>
Health Services & Care Home Team	<b>48</b>
Learning Disability Assessment and Care Management	<b>29</b>
Mental Health & Adult Protection	<b>18</b>
Residential & Day Care Services	<b>8</b>
Supporting People	<b>1</b>
<b>Total number of Stage 1 complaints</b>	<b>126</b>

<b>Table 3 - Total No. of Stage 2 by Service Provision</b>			
<b>Service</b>	<b>Origin</b>	<b>Outcome</b>	<b>ID</b>
Health & Care Home Services	Stage 1	Partly Justified	<b>1</b>
Learning Disability Care Management	Stage 1	Not Justified	<b>2</b>
Learning Disability Care Management	Stage 1	Not Pursued	<b>3</b>
Mental Health & Adult Protection	Stage 1	Justified	<b>4</b>
<b>Total number of Stage 2 complaints</b>			<b>4</b>

<b>Table 4 – Total No. of PSOW complaints by service area</b>		
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
Mental Health & Adult Protection	Not Investigated	<b>1</b>
Health & Care Home Services	Not Investigated	<b>2</b>
<b>Total No. of PSOW complaints</b>		<b>2</b>

<b>Table 5</b> <b>Reason for Complaints and their outcome</b>	No. of Complaints	Justified	Not Justified	Partially Justified	Not Pursued	Not Eligible	Withdrawn	Refer to Safeguarding	Dept to Respond	Contact Resolved	Impasse	Deferred	Dept to Action/Monitor	Circs beyond our control	Directed to another Forum	Referred to another Agency	For Information Only	Findings Inconclusive	Escalated to Stage 2	Referred to legal	Ombudsman not Investigated	Ombudsman ongoing	Ombudsman Partly Justified
Breach of confidentiality	1															1							
Changes to service	5		2	2															1				
Changes to social worker	1																1						
Delay in providing homecare	2	1		1																			
Delayed hospital discharge	3	2		1																			
Delay in providing support	4		3													1							
Discrimination	1					1																	
Failure to action information	1		1																				
Financial issues	5	2	2	1																			
General	2								2														
Gross misconduct & neglect	1														1								
Lack of support	15		11	1		2	1																
Poor Communication	2	1				1																	
Poor Standard of Care	7	2			1			4															
Request for service	2								1		1												
Staff Attitude	6		2					2	1						1								
Unhappy with action taken	22	5	8	2	2			2				1				2							
Unhappy with assessment	1		1																				
Unhappy with decision	16	3	6		2	1									1	3							
Unhappy with level of service	16	2	7		2	2	2																1
Unhappy with level of support	9		3		2	1	1																2
Unhappy with charges levied	1		1																				
Withdrawal of service	3	1			1						1												
<b>TOTALS</b>	<b>126</b>	<b>19</b>	<b>47</b>	<b>8</b>	<b>10</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>4</b>		<b>2</b>	<b>1</b>			<b>3</b>	<b>7</b>	<b>1</b>		<b>4</b>				

**TABLE 6 - Compliments received by Adult Services**

<b>Team</b>	<b>Nature of Compliment</b>
ACMS West	Thanks for work done to achieve a suitable outcome for relative
ACMS West	Thanks to Intake Team for support provided
Bonymaen House	Thanks for special care and attention provided
Bonymaen House	Thanks for care provided to parent
DCAS 1&2 West	Wonderful service provided by carers
DCAS Gower Intake Team Pilot Scheme	Thanks for highly professional and caring service
Bonymaen House	Thanks for care provided to father
Health Services & Care Home Team (PO)	Thanks for 'lovely' letter of response
Adult People Service (OT)	OT who visited was friendly, caring and polite
Garngoch Hospital	Thanks for care of relative
Garngoch Hospital	Thanks to SW for help and support
Grounds For Action	Letter of thanks for gardening work carried out
Homecare North Assessment Team	Thanks for support, advice and kindness shown to parent
Intake Team	Help given by Team when advice sought
Rose Cross	Thanks for care given to parent
Rose Cross	Thanks for exceptional care provided
Ty Waunarlwydd	Wonderful care given to parent



**Report of the Cabinet Member for  
Citizen, Community Engagement & Democracy**

**Corporate Briefing – 2 September 2014**

**CHILD AND FAMILY SERVICES COMPLAINTS  
ANNUAL REPORT 2013-2014**

<b>Purpose:</b>	To report on the operation of the Child and Family Services Complaints team for the period 1 April 2013 to 22 March 2014.
<b>Report Author:</b>	Andrew Taylor, Complaints Manager
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officer:</b>	Euros Owen
<b>FOR INFORMATION</b>	

## **1. Introduction**

- 1.1 The City and County of Swansea (CCS) Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to express their opinions. This procedure has been produced in accordance with the Welsh Assembly Government's 2005 social services complaints guidance "Listening and Learning".
- 1.2 CCS Child and Family Services are committed to ensuring that views are listened to and that concerns are resolved quickly and efficiently. Information gleaned from this process is used to inform service development.
- 1.3 Early resolution of complaints is encouraged and the teams are proactive in endeavouring to resolve matters where possible. Lessons learnt from complaints are shared back to the relevant team and where appropriate to other teams.
- 1.4 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with Listening and Learning, their complaints may be dealt with under the corporate complaint procedure to ensure that everyone is able to voice their concerns and that complaints are accessible to all.
- 1.5 Local authorities are required to produce an Annual Report in accordance with the following Regulations:
  - § The Representations Procedure (Children)(Wales) Regulations 2005, Regulation 20
  - § The Social Services Complaints Procedure (Wales) Regulations 2005, regulation 30)

- 1.6 This process will help the authority keep itself informed about the operation of its complaints procedure and the report has been compiled in line with requirements outlined in the “Listening and Learning” guidance document.
- 1.7 **Appendix 1** contains all tables referred to in this report.
- 1.8 The reporting period goes up to 22<sup>nd</sup> March as the IT system was withdrawn on this date and the new system was not yet installed.
- 2. Total complaints received during the reporting period.**
  - 2.1 **Table 1** shows this year’s total complaints received by the Complaint Team in respect of Children Services with the previous two years’ figures for comparison.
  - 2.2 Contact from members of the public who did not wish to raise a formal complaint but wished to voice their concerns, or sought to have matters resolved within the teams prior to making a formal complaint are shown under ‘Information Purposes’ (12 cases). One anonymous complaint has been received this year, however, there was insufficient information on which to act.
  - 2.3 The overall number of complaints has risen this year, from 230 in 2012/13 to 249 (an 8% increase). This is a positive note as indicates that staff are effectively sharing information regarding complaints with service users who are more aware of their rights under the process. It is encouraging that although the number of complaints has risen, the number of complaints upheld remains relatively low.
  - 2.4 The detail of individual complaints is often complex and dealt with subjectively, but for reporting purposes they are categorised in headings for ease of reference.
- 3. Analysis of Stage 1 Complaints**
  - 3.1. The timeframe for responding to Stage 1 complaints is 10 working days, though it is possible to extend to 20 working days, with agreement from the complainant.
  - 3.2 A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**.
  - 3.3 The reasons for complaints are shown in **Table 7**. Whilst the subject of complaints is often complex, for reporting purposes they are categorised under general headings for ease of reference.
  - 3.4 There has been an increase in complaints across the service, particularly in the Child Disability, Penderry, Looked After Children’s Team and Looked After Children 14+ Team. Of the complaints against the Child Disability Team, only two were upheld. The increase in complaints were also due to multiple complaints by the same complainants during the course of the year. The increase in complaints with regard to the Looked After Children’s Teams were also due to multiple complaints by the same young people. It is encouraging to note that young people are feeling more empowered and are aware of their right to bring complaints. Of these complaints two were complaints in which the permanence panel made a decision contrary to the social work plan and were escalated to stage 2 and upheld. The increase in complaints against the aforementioned teams do not give rise to concern as the teams only had a low number of complaints upheld or partially

upheld (Penderry 2, LAC 5 and LAC 14+ 2). No specific trends were identified to account for the increase in complaints. Where complaints have been upheld the teams are proactive in learning from those matters to ensure similar situations do not arise for other service users in future.

- 3.5 Where specific complaints were identified showing a shortfall in the service in one particular area, these issues were addressed by the service managers as soon as they were brought to their attention.
- 3.6. One example would be where service users were not routinely advised contact arrangements had changed.
- 3.7 The Complaints Officer monitors matters which are being handled by the teams to ensure they are dealt with within the statutory timeframe.
- 3.8 Table 2 includes 14 complaints made by children/young people all of whom took up the offer to be supported through the complaint process by an advocate from Tros Gynnal. However, of the 14 complaints received one young person made four complaints over the reporting year and two other young persons made two complaints. One complaint was made by a sibling group of three young people and this has been recorded as one person. Of these 17 complaints, 5 were upheld, 1 was partially justified, 3 not justified, 2 escalated to stage 2, two were not pursued and 1 was withdrawn. Of those complaints which were not pursued or withdrawn, the young person was supported by an advocate.
- 3.9 No formal complaints have been received in respect of Ty Nant this reporting year. Young people in this placement are able to report concerns internally which are resolved quickly by the Manager, the complaints and outcomes of which are not recorded in this report.
- 3.10 There were also 8 complaints made by care leavers this year, two of which were made by the same person and withdrawn as the Department was able to answer the queries raised. The care leaver was supported by an advocate and the complaint officer did not deem it necessary for the department to instigate a formal review of the complaints being withdrawn under 6.7.1 of Listening and Learning. One complaint made by a care leaver who was supported by their Bays Project Worker was not pursued. One was directed to another forum as involved information held on the young person. One complaint regarding poor communication was justified. One complaint was escalated to Stage 2. All information regarding complaints by care leavers was fed back to the team.
- 3.11 There has been a decrease in the number of complaints made against Child & Family Services by those who are deemed 'not eligible' under the social services complaints procedure as they do not meet the criteria laid down in listening and learning to raise a complaint on behalf of a service user. Where possible, those who are not eligible to utilise the social services complaint procedure have had their complaints addressed by the corporate process or have been advised to ask the 'eligible' person to contact the complaint office.
- 3.12 There has also been an increase in the number of complainants who would like to utilise the complaints procedure to resolve contact matters which are currently in court proceedings. Such matters are outside the complaint procedure and the complainants were advised that they may wish to consider taking independent legal advice in order to resolve those disputes.

- 3.13 Six Foster Carer complaints have been received at stage 1, only of these was in relation to services to the children in their care. Two were in relation to financial issues both of which were upheld.
- 3.14 The majority of complaints at Stage 1 are responded to within the statutory time frame of 10 working days or the agreed extension time of 20 working times, though there have been occasions where this has been exceeded with the consent of the complainant. Three complaints were escalated to stage 2 through delay in response at stage 1.
- 3.15 There were no complaints by outside agencies on behalf of a servicer user this year.
- 3.16 Where complainants are directed to another forum or have exhausted the complaints process, complainants are advised that they may contact the Public Services Ombudsman for Wales if they think they have been unfairly treated and wish to have their complaint reviewed.

#### **4 Stage 2 Complaints**

- 4.1 The progression to Stage 2 of the complaints procedure usually means that the Authority has not been able to resolve the issues to the complainant's satisfaction at stage 1.
- 4.2 The current complaint regulations give an eligible complainant the statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1. All complaints at Stage 2 were looked at via Stage 1 prior to escalating to Stage 2 this year.
- 4.3 An independent investigating officer and an independent person are commissioned for a Stage 2 investigation. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides details of the complaints handled at Stage 2 of the complaints process.
- 4.5 Of the 14 matters investigated under stage 2, none were completed within the statutory time frame of 25 working days. Complainants were consulted and agreed to the delays to ensure a full and proper investigation was carried out, rather than the matters being closed to complete the report within the statutory timeframe. One complainant was unhappy about the delay involved in appointing an Independent Investigation Officer and advised that he would take up this point at stage 3, however, he has not pursued his complaint at that stage. Examples of delay may have been where it was not possible to interview a staff member during the statutory time frame if they were on leave, or the need to contact workers from other organisations to request their participation in the investigation or staff who had left the employ of the Authority. Two investigations were delayed as the investigating officer had a family emergency. The complainants were informed and agreed to the extra unavoidable delays this entailed.
- 4.6 The complainants were kept informed of their rights to escalate their complaint at the time. None of those complaints have been escalated to the PSOW.

However, two matters were referred to the PSOW, one in relation to court matters which the PSOW did not investigate. The other was contact by the PSOW for information purposes on another matter which had been referred to Health.

- 4.7 Four stage 2 complaints were progressed to stage 3 due to disagreement with some of the report findings. One was not pursued, one was withdrawn, one was not justified and one was partially justified.
- 4.8 All stage 2's have been responded to by the Head of Service and appropriate action will be taken in line with the recommendations to improve services to clients.
- 4.9 There are no outstanding stage 2 complaints from this reporting year.
- 4.10 The number of stage 2 complaints investigated in comparison to the previous year has increased from 8 to 14.

#### **4.11 Summary of Stage 2 Complaints**

##### **4.12 Case 1**

Swansea East Team

Complaint by a young person in care about lack of social work support. Whilst statutory visits were met the social work file reflects that the young person had made various calls to which the social worker had not responded. This aspect was upheld. The other part of the complaint was in respect to the out of county placement. This aspect was not upheld. The young person escalated this complaint to Stage 3, however, decided not to pursue.

##### **4.13 Case 2**

Swansea East Team

Aspects relating to Direct Payments, withdrawal of short breaks and lack of communication.

Upheld

##### **4.14 Case 3**

Adopt Swansea

Various complaints relating to the service both pre and post adoption regarding information and support provided.

Partially upheld

##### **4.15 Case 4**

**Lac 14 +**

Complaint by a young person in relation to the support and financial support provided by Child & Family Services after leaving care and moving to independent living.

Partially Upheld

##### **4.16 Case 5**

**Penderry Team**

This was a lengthy and protracted complaint into the support and communication provided to the complainant during the period of her children being removed from her care and placed for adoption.

Partially Upheld

4.17 **Case 6**  
**LAC 14 +**

A complaint regarding the permanence panel which has resulted in a review of the permanence panel's processes being carried out and updated.  
Upheld

4.18 **Case 7**  
**Swansea West Team**

That the core assessment and s47 investigation were flawed and biased against the complainant as they inaccurately reflected parent's comments. It was agreed that the assessment should have better reflected parent's view.  
Upheld.

4.19 **Case 8**  
**Townhill Team**

Communication issues between parents and social worker during PLO Proceedings.  
Partially Upheld

**Case 9**  
**CCARAT**

In relation to procedures being incorrectly followed when a young person just under the age of 18 had been arrested for sexual offences, lack of support and communication with the family.  
Partially Upheld

**Case 10**  
**Penderry Team**

Complaint by young person about not being consulted about a proposed out of county placement move.  
Not Upheld

**Case 11**  
**CCARAT**

Lack of communication to parent regarding children's involvement with social services. Child protection procedures being incorrectly followed, parent's view not being sought during the Initial Assessment process.  
Partially Upheld

**Case 12**  
**Townhill Team**

That Child and Family Services did not respond in an appropriate manner to concerns raised by the children's carer. That meetings were not professionally managed and information correctly shared.  
Partially Upheld

**Case 13**  
**LAC**

Complaint by a looked after sibling group about information shared regarding a proposed placement move.  
Upheld

## **Case 14**

### **Swansea East Team**

Complaints re child protection process which required parent to vacate family home during ongoing child protection investigations.

Partially Upheld

- 4.20 Recommendations following stage 2 investigations have been followed and checks made where appropriate to ascertain if other service users who have not made a complaint could be affected. For example a review of the permanence panel has been carried out.

## **5 Stage 3 Panel Reviews**

- 5.1 Within the formal complaints procedure, when dissatisfaction remains after Stage 2, or if the Authority has failed to respond to a complaint within three months of it being raised, the complainant may progress the issues for an independent panel hearing (Stage 3).

- 5.2 Stage 3 is part of the internal social services complaints procedure but is administered by an external body, the Independent Complaints Secretariat (ICS) for the Welsh Government (WG). The Panel consists of three people appointed from a pool of people retained by the ICS for this purpose, a layman, lay chairman and expert member.

- 5.3 **Table 4** shows a breakdown of the Stage 3 complaints handled. As in 2012/13, four complaints were escalated to Stage 3 this reporting year.

### **5.4 Analysis of Stage 3 complaints**

- 5.5 Case 1  
Not Pursued

Case 2  
Withdrawn

Case 3  
Not Upheld

#### **Case 4**

This complaint related to the terminology and language used by professionals, the lack of understanding of the complainant's specific communication needs and the inability to deal with her and her son as a whole family unit during the transition period from Children's to Adult Services.

Overall the Panel found that the Authority had handled the case fairly and endeavoured to provide time and support to the complainant at all stages. However the aspect regarding transition was partially justified as the Authority had not begun the transition process at an earlier age for the service user.

Partially Justified

## 5.6 Outcomes and Lessons Learnt

To ensure that transition for Child and Family service users to Adult Services to begin as soon as possible after the service users 14<sup>th</sup> birthday or as soon as practicable thereafter.

## 6 Complaints made to the Public Services Ombudsman for Wales (PSOW)

6.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the Ombudsman's office can be found at <http://www.ombudsman-wales.org.uk>

6.2 **Table 5** shows a breakdown by service area of complaints made to the Ombudsman.

6.1 There was an decrease in matters raised made to the PSOW from 7 to 2.

6.2 The PSOW did not investigate one complaint made as it related to court matters.

6.3 The other matter the PSOW made contact about was for information purposes only as they requested information relating to a Health complaint they were investigating.

## 7. Who makes complaints

8.1 Complaints can be made by the Service User, or in some cases by someone complaining on their behalf. **Table 6** provides details of who made complaints this year.

8.1 The majority of complaints are raised by the mother 60 or father 59 of the young person. Whilst there have been 6 complaints from foster carers, none of the complaints dealt with at stage 1 of the process was on behalf of a young person in their care.

## 19 Reasons for complaints and their outcome

9.1 Further analysis of the reasons for complaints is shown in **Table 7**. Whilst service users have circumstances that are both unique and complex, complaints have been grouped under 'best fit' generic headings for reporting purposes

9.2 Of the 229 stage 1 total complaints received, 29 were upheld (a decrease of 38%) and 20 partially upheld (a decrease pf 20%). Of these 29 were not pursued by the complainant despite the Complaints Team being proactive in contacting the complainant usually at least on two further occasions in order clarify the complaint in order to proceed.



- 9.3 The Child and Family Teams have been proactive in reporting delays that could affect response times which have been fed back to the complainant. Three complaints were escalated to stage 2 due to a delay in responses being provided at stage 1.
- 9.4 The majority of complaints received, 71 were in the “Unhappy with the action/service taken by the teams”, of these only 3 were justified and 6 partially justified. Given the nature of some social services work with some families, it is perhaps inevitable that families will want to challenge some social worker intervention via the complaint process which does not reflect that inappropriate action has taken place.
- 9.5 Issues identified in justified complaints are carefully analysed by service areas and action is taken to address those issues and improve service delivery. Information regarding justified or partially justified complaints is now being fed back to the teams as they arise in order to ensure service improvement.
- 9.6 There has been an increase in persons making contact with the complaint department in Swansea in order to raise complaints against other organisations. Twelve complaints regarding other Local Authorities were received. In order to assist to provide a seamless service, where agreed by the complainant the details have been passed to the relevant authority. It has been noted that when a google search takes place for ‘Complaints Officer Social Services’ that Swansea is the first response in the search. Of the 18 unknown complaints recorded at stage 1, 12 of these were in relation to other authorities.
- 9.7 Where the Team Leader is proactive in providing a comprehensive and early response, or offers to meet with the complainant, this generally results in a better outcome and frequently resolves complaints at stage 1.
- 9.8 Generally, good communication exists between the Complaints Team, the Principal Officers and Team Leaders in post which is sustained by joint meetings with complainants in order to improve complaint outcomes.
- 9.9 Where complaints are withdrawn or not pursued, the Complaints Officer will determine whether action needs to be pursued outside the complaints procedure and information drawn to the attention of the relevant team in line with the guidance in Listening and Learning 6.7 Withdrawing a Complaint. Of the six complaints which had been withdrawn, it was decided that none needed to be followed up internally to ensure that there were no detrimental consequences to the service user.

## **10 Advocacy**

- 10.1 Since June 2004, children in need, looked after children and care leavers have a right to an independent advocate when making a representation or complaint about social services.
- 10.2 Tros Gynnal currently has the contract to provide advocacy services to Looked After Children and this has been the case since October 2010.
- 10.3 There were 16 complaints made by a child/young person, though some of these were separate complaints by the same person. All were supported by advocacy. Of these complaints 5 were upheld and a further two were escalated to stage 2.

- 10.4 Should the need arise for a Child in Need, or a care leaver, to have the assistance of an advocate; this is also available under the statutory complaint procedure. Eight complaints were made by care leavers five of which were supported by an advocate. Of these complaints one was justified and one was escalated to stage 2.
- 10.5 It is good practice for the Complaints Officer and the Advocate to maintain channels of communication in trying to resolve a concern. The Complaints Officer will meet with the young person and the advocate in order to ameliorate the complaint process for the young person. All looked after children and care leavers who raise a complaint are offered the support of advocate.

## 11 Compliments

- 11.1 Set out in **Table 8** below are details of the compliments which have been passed to the complaints team. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.
- 11.3 There has again been a wide spread of compliments received amongst the social services teams this year, with 53 compliments coming from service users, their families and professionals external to the Authority.
- 11.4 Of the 229 complaints made at stage 1, 46 of these were upheld or partially upheld. It is pleasing to note that 53 compliments have been received about the teams.
- 11.5 Children Services teams should be encouraged by their successes having regard to the compliments received, showing that feedback is not always negative and does not only come in the form of complaints.

## 12 Equality and Engagement Implications

- 12.1. None

## 13 Financial Implications

- 13.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Legal Services.
- 13.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service for this reporting year is £41,821.63 an increase of 57%.
- 13.3 None of the complaints resulted in compensation for the complainant's time and trouble in pursuing their complaint.

## 14.3 Legal Implications

- 14.4 None

**Background papers:** None

**Appendices:** Appendix A – Statistical Data Tables

<b>TABLE 1 Total complaints received during the reporting period</b>			
	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
<b>Information purposes</b>	16	35	12
<b>Child Protection</b>	2		1
<b>Corporate</b>	19	42	15
<b>Corporate Stage 2</b>	1	3	0
<b>Stage 1</b>	123	166	214
<b>Stage 2</b>	10	8	14
<b>Stage 3</b>	1	3	4
<b>Ombudsman</b>	4	7	2
<b>Totals</b>	<b>176</b>	<b>265</b>	<b>262</b>

<b>TABLE 2 - Stage 1 Complaints by Service Area</b>	
Adopt Swansea	1
BAYS	5
CCARAT	12
CCARAT (Corporate)	2
Child Care Legal (Corporate)	2
Child Disability Team	18
Child Disability Team (Corporate)	4
Complaints Re Other LA's	12
Conference Chairing	1
Family Support	2
Foster Swansea	2
Foster Swansea (Corporate)	2
Friends & Family (Corporate)	1
LAC	17
LAC 14+	19
Pendery Team	13
Swansea East Team	29
Swansea East Team (Corporate)	1
Swansea Valley Team	23
Swansea Valley Team (Corporate)	1
Swansea West Team	17
Team Around The Family	2
Townhill Team	28
Townhill Team (Corporate)	2
YOT	1
Unknown	12
<b>Total number of Stage 1 complaints</b>	<b>229</b>

<b>TABLE 3 - Stage 2 complaints: Formal Consideration by service area</b>			
<b>Service</b>	<b>Progressed from:</b>	<b>Outcome</b>	<b>No.</b>
Adopt Swansea	Stage 1	Partially Justified	<b>1</b>
CCARAT	Stage 1 Stage 1	Partially Justified Partially Justified	<b>2</b>
Looked After Children	Stage 1	Justified	<b>1</b>
Looked After Children (14+)	Stage 1 Stage 1	Partially Justified Justified	<b>2</b>
Penderry Team	Stage 1 Stage 1	Partially Justified Not Justified	<b>2</b>
Swansea East Team	Stage 1 Stage 1 Stage 1	Partially Justified Partially Justified Escalated to Stage 3	<b>3</b>
Swansea West Team	Stage 1	Justified	<b>1</b>
Townhill Team	Stage 1 Stage 1	Partially Justified Partially Justified	<b>2</b>
<b>Total Number of Stage 2 Complaints</b>			<b>14</b>

<b>TABLE 4 - Stage 3 complaints received by service area</b>			
<b>Service</b>	<b>Progressed from:</b>	<b>Outcome</b>	<b>No.</b>
Swansea East Team	Stage 2 Stage 2	Partially Justified Not Justified	<b>2</b>
Swansea Valley Team	Stage 2	Not Pursued	<b>1</b>
Townhill Team	Stage 2	Withdrawn	<b>1</b>
<b>Total Number of Stage 3 Complaints</b>			<b>4</b>

<b>TABLE 5 – PSOW Complaints</b>			
<b>Service</b>	<b>Progressed from:</b>	<b>Outcome</b>	<b>No.</b>
Penderry Team		Directed to another forum	<b>1</b>
Swansea West Team	Direct to PSOW	Not Investigated	<b>1</b>
<b>Total Number of complaints made to PSOW</b>			<b>2</b>

<b>TABLE 6 – Who makes complaints – Stage 1</b>	
Applicant	18
Authorised Representative	2
Care leaver	8
Carer	7
Child /young person	16
Father	59
Foster Carer	6
Grandfather (m)	7
Grandfather (p)	2
Grandmother (m)	13
Grandmother (p)	9
Mother	60
Parents	6
Relative	16
Solicitor	1
Unknown	13
<b>Total</b>	<b>229</b>

**TABLE 7 - Reasons for Complaints Against Children's Services – Stage 1**

	No. of Complaints	Justified	Not Justified	Partially Justified	Not Pursued	Not Eligible	Withdrawn	Refer to Child Protection	On-going/ Other	Not investigated / out of remit	Impasse	Dept. to Action/Monitor	Circs beyond our control	Directed to another Forum	Referred to another Agency	For Information	Policy	Escalated to Stage 2	Ombudsman – not investigated
Breach of confidentiality	5	2	2							1									
Child Protection concerns/queries	3		1									1				1			
Delay in assessment	2		1								1								
Disjointed Care Provision	1				1														
Dissatisfaction with assessment	6			2	2				1									1	
Dissatisfaction with contact arrangements	16	2	6	2	1	1							1	1	1	1			
Excessive Waiting Time	2									1								1	
Failure to return calls	3	1	1									1							
Financial Errors	10	4	2		2					1		1							
Lack of consultation/ involvement	8	1	2		1					2						2			
Lack of support	20	6	3		2	1	2				1	1		1	1			2	
Misconduct of staff	2						1									1			
Not following procedure/policy	14	2	1	1	2					1	1			1	2	1		2	
Poor Communication	9	3	2	3												1			
Poor standards of care	1	1																	
Request for service	6										1	2		2		1			
Staff Attitude	3			2								1							
Unhappy with action/service taken	71	4	29	5	8	9	3			2	1	2		3	3			2	
Unhappy with decision	15	1	5		3	1			1					1	1			2	
Unhappy with level of service	13	3	2		1				1		1			1	1	2		1	
Unknown Complaint	18				8	1									8	1			
Withdrawal of service	1			1															
<b>TOTALS</b>	<b>229</b>	<b>30</b>	<b>57</b>	<b>16</b>	<b>31</b>	<b>13</b>	<b>6</b>		<b>3</b>	<b>8</b>	<b>6</b>	<b>9</b>	<b>1</b>	<b>10</b>	<b>17</b>	<b>11</b>		<b>11</b>	

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<b>TABLE 8 - Compliments received by Children's Services</b>		
<b>Team</b>	<b>Nature of Compliment</b>	<b>No.</b>
General	<ul style="list-style-type: none"> <li>Praise from a deputy head teacher, following a meeting with social workers "I thought the panel to be extremely professional .... children are being given the opportunity to turn themselves around and I hope the families will see the benefit immediately.</li> </ul>	1
Adopt Swansea	<ul style="list-style-type: none"> <li>Thanks from an adopting family "we think the Adoption team in Cockett House have been fantastic. Too often we only hear complaints and I think our social worker has been absolutely brilliant in the support she has given us. She has not only been professional but also very caring and empathetic with us and guided us through some very emotional times.</li> <li>Thank you once again for making our family happen. Without you and all your colleagues' hard work and dedication none of this would be possible.</li> <li>I just wanted to say a very big thank you for all your support and hard work on my adoption journey so far!</li> <li>Thank you for the special part you played in matching us with such a wonderful little boy</li> <li>Thank you so much for all you have done for us during this incredible adoption process</li> <li>Heartfelt thanks for finding our beautiful daughter. At times the matching process was a little stressful to say the least, however we felt so fortunate to have you fighting our corner and making things happen as they should.</li> <li>Thank you so much for your help and support over the last year. We are so thrilled to have our daughter, she is the best daughter we could ever dreamed of having.</li> <li>Thank you very much for all of your help and support in making us become a family</li> <li>When we started this adoption process, we never imagined that we could be so lucky as we have been, in having such a beautiful, perfect little girl for us all to love forever</li> <li>Thank you so much for all the hard work you have done during the last year. Your efficiency has certainly helped reduce the pressure and we all really appreciate it.</li> </ul> <p>Comments from Birth Counselling (this is when Adopted people use the Service to find out more details about their birth family)</p> <ul style="list-style-type: none"> <li>I would like to thank you and the adoption team for all your help in finding my brother</li> <li>Thank you for your help. I didn't think I would ever find anything out about my daughter. I know it's going to be small steps. But you don't know how much it means to me just to know her name and that she is</li> </ul>	14

	<p>well and happy</p> <ul style="list-style-type: none"> <li>• Thank you so much for all the effort you have put in for finding my sister. We are going to keep in touch and are meeting up next week.</li> <li>• I wanted to thank you personally for going the extra mile and ensuring I had all the information to hand. Whilst I found the experience traumatic I have amazing support and would not have been able to have been told as much if you have not been so through.</li> </ul>	
CAST	<ul style="list-style-type: none"> <li>• Comments from a service user regarding a social worker “she is ‘wicked and like no one I have ever met...she was like one of the family.’</li> <li>• Student received high praise from his assessor for his facilitation of a parenting group</li> </ul>	2
CCARAT	<ul style="list-style-type: none"> <li>• Comments received by Head of Service from the Safeguarding Board, in relation to social workers they dealt with on a case. They were described as being “enthusiastic, insightful, reflective and analytic” and gave an excellent impression of Swansea social workers</li> </ul>	1
CDT	<ul style="list-style-type: none"> <li>• Compliments from a family for the help and support of the whole team</li> <li>• Christmas Card sent from a service user to a Social Worker</li> <li>• Praise from Action For Children for the professionalism of a social worker, passing on compliments received from the family for the positive difference the team has made to their lives</li> <li>• Complimentary letter received from CAF/CASS in relation to a social worker and her work with one particular family</li> <li>• Comments received from a school regarding the actions of a social worker “he responded to the need of the school quickly and approached the situation with a calm professional manner. He was a great support to the school”</li> </ul>	5
Family Support Team	<ul style="list-style-type: none"> <li>• Praise for a social worker from a family member “the first person that truly understands his situation and that what he said made sense”</li> <li>• “Thank You” card received from service user</li> </ul>	2
Foster Swansea	<ul style="list-style-type: none"> <li>• Thanks &amp; praise from a foster carer for the support received from a social worker, and for the support of the team</li> <li>• Thanks from a foster carer for a social worker for the support received from him</li> <li>• Praise from a foster carer on the work of a social worker which resulted in behavioural improvements of a looked after child</li> <li>• Positive comments from the Foster Panel regarding the professionalism of a social worker</li> <li>• Thank you card with compliments for a social worker, received from a foster carer</li> </ul>	5
Looked after	<ul style="list-style-type: none"> <li>• Praise received from a partner organisation for the</li> </ul>	2

Children	<p>dedication and commitment of an officer.</p> <ul style="list-style-type: none"> <li>• Praise from social work colleague in another Authority “I have never had such a swift and useful response from any other LA”</li> </ul>	
Management	<ul style="list-style-type: none"> <li>• Thanks from colleagues for the contribution and professional leadership demonstrated in a presentation at National Social Services Conference</li> </ul>	1
Penderry Team	<ul style="list-style-type: none"> <li>• Message from a family member about a social worker “full of praise about you and how you have helped the family”</li> <li>• a thank you card received from a service user</li> <li>• Compliments from service user to a social worker, thanking her for her excellent analysis which she felt was extremely focused</li> <li>• Guardian gave praise to social worker stating she was really impressed with her and that she had done a good job with the family</li> <li>• Comments from Barnardo’s Taith Service to a social worker “want to say a really big thank you for all that you have done for [service user] and for having the confidence to let him be normal kid!... It has been a real pleasure working with you; you have always been child centred and a force for good. He landed on his feet getting you as a worker!</li> <li>• Thank you card received from a service user</li> <li>• Judge commented “I pay great tribute to the social worker, she has done extremely good work and has the confidence of everybody including the children's guardian.</li> </ul>	7
Swansea East	<ul style="list-style-type: none"> <li>• Positive comments from a family on the positive effects experienced following the involvement of a social worker</li> <li>• Thanks &amp; praise from Welsh Government following shadow working exercise</li> <li>• High praise for a social worker from Action for Children and a 3 sets of carers, commending her on her personal and professional standards and stating that “Swansea is lucky to have her”</li> <li>• Thank card to a social worker for all their help and support.</li> <li>• Compliment from a head teacher to highlight the excellent partnership between him and the team.</li> <li>• Thank you card to a social worker for all their help and support.</li> <li>• Compliment from a head teacher to highlight the excellent partnership working between him and the team.</li> </ul>	5
Townhill Team	<ul style="list-style-type: none"> <li>• Praise for the excellent work of 2 social workers, for working extra hours to meet critical deadlines</li> <li>• Praise from a family for the approach and successfulness of a social worker in dealing with their problems</li> </ul>	2
Valley Team	<ul style="list-style-type: none"> <li>• Compliments from a guardian and the court to a social worker on the quality of his work</li> <li>• Praise for a social worker for her work with children on a Words &amp; Pictures book</li> </ul>	2



<p>Youth Offending Service</p>	<ul style="list-style-type: none"> <li>• Regular, positive feedback from magistrates in respect of quality of reports</li> <li>• Thanks from a mother for working with the whole family to 'make things better'.</li> <li>• Thank you most sincerely for all the help and support you both gave us a family at time when life was really bad and there seemed very little light at the end of a very dark tunnel, fingers crossed that time will be now be a bad memory and she can live her life and look forward to a much better future.</li> <li>• Thanks from another Authority's YOS to thank us for our co-operation on this case, she stated 'we have never before received such support with a caretaking case and cannot believe the professionalism and efficient service that Swansea YOS provided. It now ranks very highly in our estimation as one of the most pro-active YOSs that we have ever dealt with'.</li> </ul>	
<p>TOTALS</p>		<p>53</p>

Report of the Head of Communications & Customer Engagement

Corporate Briefing – 2 September 2014

FREEDOM OF INFORMATION (FOI)  
ANNUAL REPORT 2013-2014

<b>Purpose:</b>	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2013 to 31 March 2014
<b>Report Author:</b>	Andrew Taylor (Complaints Manager)
<b>Legal Officer:</b>	Janet Hooper
<b>Finance Officer:</b>	Carl Billingsley
<b>Access to Services Officer:</b>	Euros Owen

**FOR INFORMATION**

**1. Introduction**

- 1.1 The Freedom of Information (FOI) Act 2000 places a duty on all Public Authorities to comply with the general right of access to all types of “recorded” information held by the Authority (unless an exemption applies under the Act). This right of access to information came into force on 1 January 2005.
- 1.2 FOI Requests must be dealt with within 20 working days. Failure to comply may result in a complaint against the Council being investigated by the Information Commissioner. .
- 1.3 The FOI Act is fully retrospective and applies to all information held by the Council. The Council adopted a Corporate Policy on Freedom of Information and on Records Management in December 2004.
- 1.4 The FOI policy sets out the Council’s commitment to making information publicly available unless there are sound operational or public interest reasons for not doing so or there are legal reasons preventing it.
- 1.5 FOI covers all recorded information held by the Authority. Recorded information may be in any format e.g. paper, floppy disk, video and includes both electronic and paper versions of records such as email messages, reports, minutes of meetings and floor plans. It can include such items as Corporate Briefing papers and Officers notes (including those of the Democratic Services Officer).

## 2. The FOI Process

- 2.1 The Complaints Team logs and monitors requests for information under the Act. All FOI Requests must be in writing, however a request need not state that it is made under the FOI legislation. The information requested must be adequately described. Authorities are under a duty to provide advice and assistance to applicants. It is a criminal offence both personal and corporate to destroy information to prevent its disclosure under FOI.
- 2.2 Once logged, FOI's are allocated a unique number and passed to the appropriate Departmental FOI Officer. The FOI Officer decides whether to call a FOI Panel in order to consider if there is a need to apply an exemption or to release the information requested.
- 2.3 The Complaints Team monitor progress of the request to try and ensure that the 20 working day timescale is adhered to.
- 2.4 The Complaints Manager is ultimately responsible for all FOI Reviews required under the Act, which arise if the requester is unhappy with the response. The FOI decision is reviewed in conjunction with a Legal Officer and where appropriate a representative from the relevant Department.
- 2.5 Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

## 3. FOI Statistics

- 3.1 The following table details FOI Requests by Directorate together with the figures for the previous year.

Table 1 - FOI Requests by Directorate														
	Chief Execs		Environment		Education		Regeneration		Soc. Services		Housing		Totals	
	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14
Requests	321	382	332	406	69	95	33	72	93	108	59	60	907	1123
Reviews	5	6	15	18	0	0	0	0	2	0	2	0	24	24
Appeals	0	0	1	7	0	0	0	0	0	0	0	0	1	7
Total	326	388	348	431	69	95	33	72	95	108	61	60	932	1154

## 4. Timeliness of Responses to FOI Requests

- 4.1 **1123** FOI Requests were received during 2013 / 2014 representing a **23.8 %** increase on last year's figures. Of those requests, **718** were responded to within the FOI time limit of 20 working days (**64.0%**). The response rate within timescale is lower than last year (**81.4%** for 2012/13), reflecting the difficulties in managing the increased workload with reducing resources and despite efforts to streamline working practices employed by FOI officers.

## 5. Breakdown of FOI Requests by Service Unit

- 5.1 The table below shows the breakdown of FOI Requests received by each Service Unit.

<b>Table 2 - Breakdown of FOI Requests by Service Unit</b>	
<b>Service Unit</b>	<b>No.</b>
Legal Services	66
Corporate Property	22
Procurement	32
Finance	141
Communications	8
Human Resources	72
ICT	42
Education	95
Environment- Planning	44
Environment- Environmental Health	34
Environment- Management & Protection	138
Environment- Transport & Engineering	190
Regeneration	71
Social Services (Child & Family & Elderly & Disabled)	108
Housing/ Corporate Building Services	60
<b>Total</b>	<b>1123</b>

## 6. Type of Applicant

- 6.1 FOI requests are received from a variety of sources. The table below gives a breakdown of the type of applicant that made the FOI Request.

<b>Table 3 - FOI Request by Type of Applicant</b>	
<b>Type of Applicant</b>	<b>No.</b>
Commercial Organisation	170
Freelance Journalist	15
Individual	685
Media	117
Not for Profit	60
Politician	61
Solicitors	15
<b>Total</b>	<b>1123</b>

## 7. Responses to FOI Requests

- 7.1 The table below shows a breakdown of the type of response that the Council gave to the FOI Requestor. It is pleasing to note that **814** of the **1123 (72.5%)** were fully disclosed. This statistic clearly shows the Council's commitment to openness and transparency.

<b>Table 4 - Type of Response given to FOI Requestor</b>	
<b>Type of Response</b>	<b>No.</b>
Full Disclosure	814
Completely Refused	87
Data not held	57
Mainly Granted	58
Mainly Refused	77
Request Withdrawn	10
Ongoing	6
Timed Out *	14
<b>Total</b>	<b>1123</b>

\* The "Timed Out" category is used where an applicant did not respond to a request by the FOI officer for clarification, therefore the Authority could not proceed with the request.

## 8. Responses where Exemptions were necessary to withhold Information

- 8.1 Table 5 below shows a breakdown of the exemptions used under the FOI Act to withhold information.

<b>Table 5 - Number of and List of FOI Exemption Used</b>		
<b>Section</b>	<b>Exemption</b>	<b>No.</b>
<b>12</b>	Cost of Redacting & Extracting Information	65
<b>14</b>	Vexatious & Repeated Requests	-
<b>21</b>	Information accessible to applicant by other means	22
<b>22</b>	Information intended for future publication	5
<b>30</b>	Investigations & Proceedings	1
<b>31</b>	Law Enforcement	22
<b>32</b>	Court Records	1
<b>36</b>	Effective Conduct of Public Affairs	11
<b>38</b>	Health & Safety	11
<b>40</b>	Data Protection	24
<b>41</b>	Information provided in confidence	8
<b>42</b>	Legal professional privilege	2
<b>43</b>	Commercial Interest	65
<b>Totals</b>		<b>237</b>

**Note: In some cases more than one exemption was used to withhold data requested.**

## 9. Reviews and Appeals

- 9.1 There were **24** FOI Reviews carried out during 2013/14. The Requester appealed to the Information Commissioner's Office (ICO) in only 7 of those cases. A breakdown of the ICO appeals is set out in Table 6 below.

<b>Table 6 - Appeals to the Information Commissioner's Office (ICO)</b>		
ICO Case 1	Information request for detailed plans of domestic drainage layout	Information voluntarily disclosed and ICO closed case.
ICO Case 2	Information request relating to financial details of a land development and associated sale of a lease	Part disclosure. ICO upheld LA decision not to disclose remainder – under the exception in the Environmental Information Regulation (“EIR”). Applicant further appealed to First Tier Tribunal which upheld LA decision not to disclose.
ICO Case 3	Information request in relation to a planning issue and restriction on use of land.	Part disclosure. ICO upheld LA decision not to disclose remainder – under “EIR”
ICO Case 4	Information request in relation to potholes and inspection regimes	Information partly disclosed & case concluded by informal resolution.
ICO Case 5	Information request relating to financial details of a land development and associated sale of a lease	ICO upheld LA decision not to disclose –confidential information.
ICO Case 6	Information request relating to the activities of the planning enforcement team	Information disclosed. No decision notice was required to be issued by ICO.
ICO Case 7	Information request for details of food inspection reports	Withdrawn & case closed by ICO. Information was disclosed under section 35 of the Data Protection Act(exemption relating to legal proceedings)

## 10. Equality and Engagement Implications

- 10.1 This report provides a breakdown of information concerning requests for information for the prescribed period as such reflects current practice and involves no changes to service delivery. Consequently there is no requirement for an Equality Impact Assessment.

**11. Financial Implications**

11.1 All costs incurred through dealing with FOI have to be covered within existing budgets.

**12. Legal Implications**

12.1 None

**Background papers**

None

**Appendices:** None

Report of the Head of Communications and Customer Engagement

Corporate Briefing – 2 September 2014

REGULATION OF INVESTIGATORY POWERS (RIPA)  
ANNUAL REPORT 2013-2014

<b>Purpose:</b>	To report on the operation of the Authority’s use of covert surveillance, conducted under the provisions of The Regulation of Investigatory Powers Act (RIPA) 2000 for the period 1 April 2013 to 31 March 2014
<b>Report Author:</b>	Andrew Taylor
<b>Legal Officer:</b>	Janet Hooper
<b>Finance Officer:</b>	Carl Billingsley
<b>Access to Services Officer:</b>	Euros Owen
<b>FOR INFORMATION</b>	

**1. Introduction**

- 1.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity in circumstances where it is for the purpose of preventing or detecting crime or of preventing disorder. It also allows local authorities to acquire communication data from Communication Providers.
- 1.2 The process must be in accordance with the Home Office’s Code of Practice for Covert Surveillance and Code of Practice on Acquisition of Communication data.
- 1.3 This report will provide an overview to the Council’s executive of the Authority’s practices and activity regulated by RIPA.

**1.4 Glossary of Terms**

RIPA	Regulation of Investigatory Powers Act (RIPA) 2000
OSC	Office of Surveillance Commissioners – Central Government
IOCCO	Interception of Communications Commissioner’s Office
Inspection	Biennial event to monitor compliance in surveillance matters



<b>Glossary of Terms (continued)</b>	
RIPA Application	A request for a surveillance exercise
Applicant	Officer requesting surveillance
Countersigning Officer	An officer who brings further experience to the Application
Authorised Officer	Officer responsible for surveillance compliance and monitoring
CHIS	Covert Human Intelligence Source
Gatekeeper	Officer responsible for administration of surveillance practice
FOI	Requests under the Freedom of Information Act 2000

## 2. Service Delivery

2.1 A list of authorised officers is shown in Appendix 1.

2.2 Table 1 below shows the types of surveillance permitted under RIPA for Local Authority use, comparing annual usage over the last 4 years.

<b>TABLE 1 - Surveillance Permitted Under RIPA</b>				
	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Directed	<b>19</b>	<b>8</b>	<b>9</b>	<b>4</b>
Interception of Communications	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Acquisition / Disclosure of Communications Data	<b>5</b>	<b>0</b>	<b>44</b>	<b>0</b>
Covert Human Intelligence Source	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Figures based on annual returns to the Commissioners:

- Surveillance April-March
- Interception of Communications Commissioner January – December

### 2.3 Directed Surveillance

2.3.1 A total of 4 Authorisations were granted during 2013-14. This figure has decreased from last year which reflects officer's commitment to explore the least intrusive method of gaining information to effect the Local Authority's responsibilities.

### 2.4 Acquisition and Disclosure of Communications Data

2.4.1 Since 8 February 2012, the City & County of Swansea (CCS) has subscribed to the National Anti-Fraud Network (NAFN)'s Single Point of Contact Services to acquire this information. Annual Returns to the Interception of Communications Commissioner's Officer are requested and provided on a calendar year basis and are reported in that format for this report for expediency.

## 2.5 Covert Human Intelligence Source (CHIS)

2.5.1 No CHIS activity took place during this year

## 2.6 Surveillance Activity

2.6.1 Table 2 below shows the use of RIPA by services and its purpose within the City and County of Swansea

<b>TABLE 2 - Use of RIPA</b>		
<b>Directed Surveillance</b>		
Trading Standards	3	Detection of illegal trading practices
Housing Benefit (HB)	1	Detection of fraudulent HB claims
<b>Covert Human Intelligence Source</b>		
	0	
<b>Acquisition and Disclosure of Communications Data</b>		
	0	

2.6.2 CCS operate an extensive Closed Circuit Television (CCTV) system to provide a safer environment for the community. The system is managed and developed in partnership with the South Wales Police. The use of CCTV is not covered by the same regulations as the surveillance reported on above as it is an overt not covert method of observation. A separate code of practice and annual report apply to the CCTV system and are public documents.

2.6.3 If requested the system can also be used for directed surveillance by the police for law enforcement purposes or for a specific exercise. If this does occur, the use changes from overt to covert surveillance and will be regulated by RIPA. The Police have responsibility to comply with the legislation in these cases. As a matter of transparency and good practice we will include in this report the use of our equipment for this purpose. Any specific use for local authority purposes would be reported under service usage.

2.6.4 During 2013-14, no directed surveillance requests were made by the police to utilise the authority's CCTV equipment which were conducted under Police RIPA authorisations.

## 3 Progress & Development

3.1 Since 1st November 2012, all local authority surveillance and access to communication data authorised under the Regulation of Investigatory Powers Act 2000 (RIPA) have required the approval of a Magistrate.

3.2 The Protection of Freedoms Act also introduced a requirement that where local authorities wish to use RIPA to authorise Directed Surveillance, this should be confined to cases where the offence under investigation carries a custodial sentence of six months or more (the Serious Crime Test). The

exception to this is the use of RIPA for surveillance by Trading Standards in relation to underage sales of alcohol or tobacco.

- 3.4 The list of Authorised Officers reflects those services most likely to conduct criminal prosecutions falling into this category. This would include Trading Standards and Housing/Council Tax Benefit officers.

#### **4. Freedom of Information (FOI)**

- 4.1 Media coverage of incidents in other parts of the country brought to the public attention local authorities ability to use surveillance under RIPA. This was reflected in the receipt of related media enquiries.
- 4.2 There have been 3 FOI enquiries related to RIPA activities during the year, most often press enquiries related to current affairs.

#### **5. 2014 / 2015 Action Plan**

- 5.1 Complete all Office of the Surveillance Commissioner's recommendations in conjunction with developing the Council's policy and standards in line with the new procedures required by the Protection of Freedoms Act.

#### **6. Equality and Engagement Implications**

- 6.1 There are no community and engagement implications

#### **7. Financial Implications**

- 7.1 All costs incurred in dealing with RIPA have to be covered within existing budgets.

#### **8. Legal Implications**

- 8.1 As set out in the Report

**Background papers:** None

**Appendices:** Appendix 1 – Authorised Officers

## Appendix 1

<b>TABLE 3 – RIPA Authorised Officers.</b>	
<b>Name</b>	<b>Department / Section</b>
Rose McCreesh Phil Thomas	Housing Benefit Housing Benefit
Lynda Anthony Huw Morgan David Picken	Environmental Health Environmental Health Environment Health (Trading Standards)

## Report of the Cabinet Member for Finance and Resources

Cabinet – 23 September 2014

### QUARTER 1 2014/15 PERFORMANCE MONITORING REPORT

<b>Purpose:</b>	To report Corporate and Service Performance for the first quarter of 2014/15
<b>Policy Framework:</b>	' <i>Standing Up for Swansea</i> ' Corporate Improvement Plan 2013/17 updated for 2014/15
<b>Reason for Decision:</b>	To receive and review the performance results for Quarter 1 2014/15
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Performance is reviewed to help inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities
<b>Report Author:</b>	Richard Rowlands
<b>Finance Officer:</b>	Paul Cridland
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

1.1 This report presents performance results for the first quarter of 2014/15. The report also provides an update in relation to progress delivering the Policy Commitments since 2013/14.

1.2 The outturn presented in the performance tables (Appendix A) and Policy Commitments Tracker (Appendix B) needs to be considered alongside the current financial situation of the Council. The financial resources required to achieve the specified performance levels in 2014/15 have been provided in the approved budget. As part of the work on *Sustainable Swansea – Fit for the future* there will be an increased focus on understanding the level of activity and outcomes that are achieved for the budget allocated so that choices can be made about relative priorities.

## 2.0 Summary of Quarter 1 2014/15 Performance

2.1 When making comparisons between previous years and 2014/15, the following should be considered:

2.1.1 The nature and number of performance indicators (PIs) has changed between these two periods and therefore direct comparisons may not always be appropriate.

2.1.2 The results do not always account for changes in resources and workload during that period (although details can be seen in the numerator and denominator information and in the comments column of the data tables attached to this report).

2.1.3 There may be changes to the numerator and denominator information which may affect the trends by showing a decline while the volume of work has increased.

2.1.4 Comparisons and references made to previous performance results and longer term trends go back as far as 2008/09 where available, although some performance indicators may have older data.

2.1.5 In summary:

### Corporate PI Suite

Q1 14/15	Corporate	People	Place	Totals
Met Target	50%	44%	64%	53%
Met within 5% of Target	75%	52%	73%	63%
Improved, Maintained or At Best Performance	50%	44%	45%	45%

### Corporate Improvement Plan Only

Q1 14/15	People	Place	Totals
Met Target	64%	58%	61%
Met within 5% of Target	82%	75%	78%

2.1.6 Improvement compared to Quarter 1 2013/14 on the Corporate Improvement Plan measures cannot be shown in all cases since many were new and still being embedded at that point.

### **3.0 National and local performance indicators**

3.1 The Council is subject to the National Performance Improvement Framework and as such has to collect, monitor and report on a number of performance indicators that are set by the Welsh Government or Welsh Local Government to measure their shared priorities with Welsh Council's. National performance measures are referenced within the data tables attached to this report as follows:

- **NSI - National Strategic Indicators** – set by the Welsh Government to measure national priorities.
- **PAM - Public Accountability Measures** – set by Welsh Local Government to measure shared national priorities.
- **SID - Service Improvement Data** – national benchmarking data.

3.3 The Council also reports a small number of locally defined performance indicators. A proper comparison with national performance data will not be possible until the 2013/14 national performance results are published later in 2014

### **4.0 Performance Targets**

4.1 For 2014/15, the Council has reverted to having just one performance target. Targets for Council priorities were discussed and agreed between Heads of Service and Cabinet Members so that they are stretching and challenging. Further discussion and consideration will be required as part of Sustainable Swansea debate around which areas are priorities and which are not and target setting for performance improvement.

### **5.0 Policy Commitments Tracker**

5.1 The Policy Commitments represent the Council's key priorities for delivery and were adopted by Council on 26<sup>th</sup> July 2012. Policy Commitments vary in their nature, some have specific in year outcomes, and others are targets to progress toward over 5 or more years.

5.2 The Policy Commitments Tracker at Appendix B monitors the Council's progress delivering the Policy Commitments.

5.3 Following Cabinet discussion, a Cabinet Member led task group was established to review the Tracker and to identify and prioritise a more focused number of key Policy Commitments for further discussion and progress reporting; a revised Tracker is attached to this report. Progress will continue to be monitored and reported to Cabinet in conjunction with the quarterly performance reports.

5.4 In summary:

### **Policy Commitments**

Progress delivering Policy Commitments at Quarter 1 2014/15	Total
<b>Blue</b> - complete	7%
<b>Green</b> – On track	84%
<b>Amber</b> – Progress delayed	8%
<b>Red</b> – significant delays / no progress	1%

### **7.0 Equality & Engagement Implications**

7.1 This report has no direct equality and engagement implications itself although the data reported may form part of the information that leads to a service screening for and undertaking an EIA as required.

### **8.0 Financial Implications**

8.1 In the current and anticipated financial environment further discussion and consideration will be required around priorities and target setting for performance improvement as part of *Sustainable Swansea – fit for the future*.

### **9.0 Legal Implications**

9.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:** Appendix A – Quarter 1 2014/15 Performance Data Tables; Appendix B – Policy Commitments Tracker: Quarter 1 2014/15 update.



## Report of the Cabinet Member for Finance and Resources

Cabinet – 23 September 2014

### BUSINESS RATES – TEMPORARY RATE RELIEF SCHEMES (WALES)

<b>Purpose:</b>	To provide information and to consider the adoption of two further new temporary relief schemes relating to Business Rates which have been introduced by Welsh Government (WG) for the current financial year. The schemes being:- 1) Wales Retail Relief 2) Enhanced Local Need Relief
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	Legislative requirement and Welsh Government grant funding condition.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) The details of the two schemes in this report are noted.  2) The two rate relief schemes outlined in the report are adopted.
<b>Report Author:</b>	Martin Webborn
<b>Finance Officer:</b>	Mike Hawes
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

- 1.1 The Welsh Government (WG) has recently introduced two further new temporary rate relief schemes to reduce Business Rates (BR) in certain circumstances. The two schemes being
- Wales Retail Relief
  - Enhanced Local Need Relief
- 1.2 The rate relief under the schemes is available for the current financial year 2014/15 and WG has offered funding to each local authority in Wales under section 31 of the Local Government Act 2003 to re-imburse authorities for expenditure up to a defined limit incurred for the purpose

of providing relief under these schemes. The funding is subject to authorities formally accepting the grant offer.

- 1.3 It is a condition of the grant that the relief under these schemes is provided by way of discretionary rate relief under section 47 of the Local Government Finance Act 1988. The qualifying criteria for the Retail Relief Scheme have been set by WG and there are no powers to vary. The qualifying criteria for the Enhanced Local Need Relief are not prescribed. The local discretionary rate relief scheme currently used to grant relief to charities and other organisations does not require amendment.
- 1.4 Arrangements are in place for applications to be available for the Retail Relief Scheme in hard copy and on the Council web-site.

## **2.0 Wales Retail Relief Scheme**

2.1 Funding of up to £1,124,930 is being made available to the Authority to grant relief of up to £1,000 against the business rates bill for certain occupied retail properties with a rateable value of £50,000 or less in the financial year 2014-15, subject to state aid limits

2.2 The main objective of this scheme is to support businesses in Wales that are responding to the challenges that result from the changing retail environment. It is also aimed at contributing to the development of sustainable and vibrant town centres.

2.3 To benefit from the scheme properties must be:

a) Either:

- (i) Used for the sale of goods to visiting members of the public.
- (ii) Used for the provision of certain services, or
- (iii) Used for the sale of food and/or drink to visiting members of the public.

2.4 Welsh Government has set out the uses that it **does not** consider to be retail use for the purpose of this relief:

a) Either:

- (i) The provision of financial, medical or professional services, post office sorting offices, tourism accommodation, sports clubs, children's play centres, day nurseries, outdoor activity centres, gyms, kennels and catteries, show homes and marketing suites and employment agencies or,
- (ii) Premises that are not reasonably accessible to visiting members of the public.

### **3.0 Enhanced Local Need Relief Scheme – Proposed Scheme**

- 3.1 Funding of £202,638 has been made available by WG to support the Authority in respect of expenditure to be incurred by it for the purpose of providing relief for BR to businesses in the area. The Authority is required to target those businesses that it has determined are likely to be most negatively impacted by postponement of revaluation. Relief for BR may also be awarded to businesses with the aim of furthering other economic development priorities identified by the Local Authority.
- 3.2 There is currently no data available to identify those businesses most negatively impacted by the postponement of revaluation. In view of this and after consulting the Head of Economic Regeneration and Planning it is recommended that the Authority uses the funding to provide additional assistance to those businesses that are entitled to Wales Retail Relief as set out in 2 above.
- 3.3 It is proposed to distribute the funding equally between those businesses that have successfully applied for Wales Retail Relief by 31<sup>st</sup> December 2014. The amount given to each business will not exceed the business rates liability net of any other applicable reductions.
- 3.4 As the funding is for a fixed amount a cut-off date for applications is required to ensure that the amount available is not overspent and that no financial burden falls to the Authority. All eligible businesses will be invited to apply for the relief. Applications received after 31 December 2014 will not be accepted..
- 3.5 The payment would be credited to the relevant BR account, and a revised bill and explanatory letter would be sent to the BR payer.

### **4.0 Implementation of the Schemes**

- 4.1 WG has provided the following to authorities:
- Guidance for the Retail Relief scheme,
  - A grant offer letter (which requires formal acceptance following adoption of the schemes)
  - A template application form for the Retail Relief scheme.
- 4.2 The two new temporary schemes outlined above should be adopted as specified in the recommendations above.
- 4.3 The most recent estimates suggest approximately 1200 cases are eligible to apply and applications will be issued to eligible ratepayers. This will involve significant extra workload for the BR team.

## **5.0 Financial Implications**

- 5.1 WG has specified the amount of funding available for both schemes and any award made in excess of the amounts may have to be met by the Authority.
- 5.2 There is an amount of £7,194 to support the administration and marketing costs of the Retail Relief Scheme.

## **6.0 Legal Implications**

- 6.1 There are no further legal implications to those set out in the report.

## **7.0 Equality and Engagement Implications**

- 7.1 An EIA Screening Form has been completed with the agreed outcome that a full EIA report is not required, as the qualifying criteria for the Retail Relief scheme has been set by WG and there is no power to vary. Applications will be considered from all eligible ratepayers and relief awarded as per the criteria set out in this report
- 7.2 The authority is unable to identify those businesses most negatively impacted by the postponement of the revaluation and therefore it is recommended that the funding provided for the Enhanced Local Need Relief Scheme should be used to extend the relief offered under the Retail Relief scheme to qualifying retail business (in line with one of the recommendations made by WG)
- 7.3 Applications will be considered from all eligible ratepayers and relief awarded as per the criteria set out in this report

**Background Papers:** None

**Appendices:** None

## Report of the Cabinet Member for Finance and Resources

Cabinet – 23 September 2014

### ANNUAL REVIEW OF PERFORMANCE 2013/14

<b>Purpose:</b>	The report is a review of progress made by the Council in meeting the priorities, actions and targets set out in <i>Standing up for a Better Swansea</i> the Corporate Improvement Plan for 2013/17 as required by Part 1 of the Local Government (Wales) Measure 2009
<b>Policy Framework:</b>	<i>Standing up for a Better Swansea</i> Corporate Improvement Plan 2013/17
<b>Reason for Decision:</b>	To comply with statutory guidance and to approve and publish the Annual Review of Performance 2013/14.
<b>Consultation:</b>	Legal, Finance, Access to Services and Cabinet Member.
<b>Recommendation(s):</b>	It is recommended that:  1) The Annual Review of Performance 2013/14 is approved.
<b>Report Author:</b>	Richard Rowlands
<b>Finance Officer:</b>	Paul Cridland
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

- 1.1 The Local Government (Wales) Measure 2009 creates an obligation on Councils to account for improvement. The process for accounting for improvement falls into two stages.
- 1.2 Stage one reporting covers the Council's plans and Improvement Objectives for that year and should be published every year as soon as possible after the 1<sup>st</sup> April.
- 1.3 Stage two reporting arises when the Council is in a position to be able to account for success of the previous year's improvement activity and must be published before 31<sup>st</sup> October in the financial year after the year to

which the information relates. The attached report relates to stage two performance reporting.

## **2.0 Content**

- 2.1 The Annual Review of Performance is written in a way that tries to be accessible to the general public, complies with statutory guidance and addresses previous proposals for improvement made by the Wales Audit Office.
- 2.2 The Annual Review of Performance 2013/14 is structured as follows:
  - 2.2.1 *Parts 1 and 2 – Executive / Summary of evaluations delivering the Council's Improvement Objectives in 2013/14* - represents a summary where the Council presents a précised conclusion of its own evaluation of its performance delivering its Improvement Objectives during 2013/14.
  - 2.2.2 *Part 3 – Working in partnership with others in 2013/14* - This part summarises how the Council is collaborating with others across a wide range of services in some key areas.
  - 2.2.3 *Part 4 – Performance Information and its use* - Summarises how the Council plans for and puts arrangements in place to secure improvement.

## **3.0 WAO Proposals for Improvement**

- 3.1 The Wales Audit Office (WAO) in its Annual Improvement Report 2014 on Swansea Council stated that the Council last year produced a readily accessible Annual Review of Performance on 2012/13 but did not consistently explain how successful it had been in delivering its objectives.
- 3.2 The Council has sought to address this in the 2013/14 report by judging success on the basis of meeting the improvement projections for the measures included in the Corporate Improvement Plan and / or showing improvement compared to the previous financial year.
- 3.3 The Council has also considered the detailed self-evaluations undertaken by each service on their contribution to the Improvement Objectives; these self-evaluations, which are part of the Council's plan to continue to develop its approach to self-assessment, will be published on the Council's website.
- 3.4 The Council will continue to look for areas of improvement as part of its commitment to performance management and community engagement.
- 3.5 The Council is currently undertaking a review of its performance and improvement arrangements. This includes further developing and embedding the Council's corporate approach to self-evaluation over time

in order to strengthen our ability to be self-aware and learn from others. We plan to have a Peer Review as part of the WLGA scheme in September, which will involve a self-assessment.

#### **4.0 Equality & Engagement Implications**

4.1 The Annual Review of Performance is not relevant for an Equality Impact Assessment (EIA) itself. It may mean however that it might form part of the information that leads to a service screening for and undertaking an EIA as required.

#### **5.0 Financial Implications**

5.1 The financial resources required to implement all the actions and achieve the specified performance targets in 2013/14 were provided in the approved budget. Any additional financial implications which arose from the pursuance of the priorities in the Corporate Improvement Plan would have been dealt with as virement within the normal financial procedures.

#### **6.0 Legal Implications**

6.1 The Annual Review of Performance 2013/14 must be published at or before the statutory date of 31<sup>st</sup> October 2014.

**Background Papers:** None

**Appendices:** Appendix A – Annual Review of Performance 2013/14.

# Agenda Item 11.a

## Report of the Section 151 Officer

Cabinet – 23 September 2014

### ANNUAL GOVERNANCE STATEMENT 2013/14

<b>Purpose:</b>	To report the annual review of governance arrangements for 2013/14 for approval.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	To comply with the Code of Practice on Local Authority Accounting in the United Kingdom 2013/14.
<b>Consultation:</b>	Executive Board, Legal, Finance, Access to Services.
<b>Recommendation:</b>	It is recommended that the Annual Governance Statement 2013/14 is approved.
<b>Report Author:</b>	Paul Beynon
<b>Finance Officer:</b>	Paul Beynon
<b>Legal Officer:</b>	Sharon Heys
<b>Access to Services Officer</b>	Sherill Hopkins

#### 1. Introduction

- 1.1 The Council adopted a Code of Corporate Governance in June 2008 which is based on the 6 principles established in the CIPFA / SOLACE Framework 'Delivering Good Governance in Local Government'.
- 1.2 A review of the Council's governance arrangements must be undertaken at least annually to ensure compliance with the Code of Corporate Governance and best practice. The outcome of the annual review is reported in an Annual Governance Statement which must be published each year with the Annual Statement of Accounts.

#### 2. Annual Governance Statement 2013/14

- 2.1 The Annual Governance Statement 2013/14 is attached in Appendix 1. The Statement has been prepared by the Chief Auditor and has been subject to consultation with the Executive Board, Audit Committee and PwC as our external auditors.



2.2 To comply with the Code of Practice on Local Authority Accounting, the Annual Governance Statement must be approved at a meeting of the authority or delegated committee before being signed by the Chief Executive and Leader.

**3. Equality and Engagement Implications**

3.1 There are no equality and engagement implications associated with this report.

**4. Legal Implications**

4.1 There are no legal implications associated with this report.

**5. Financial Implications**

5.1 There are no financial implications associated with this report.

**Background Papers:** None.

**Appendices:** Appendix 1 – Annual Governance Statement 2013/14.

## ANNUAL GOVERNANCE STATEMENT 2013/14

### 1. Scope of Responsibility

- 1.1 The City and County of Swansea is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Authority also has a duty under the Local Government (Wales) Measure 2009 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this overall responsibility, the City and County of Swansea is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk
- 1.3 The City and County of Swansea has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government'. A copy of the Code is on our website at <http://www.swansea.gov.uk/corporategovernance>. This statement explains how the Authority has complied with the Code.

### 2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, and culture and values, by which the Authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money.
- 2.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place at the City and County of Swansea for the year ended 31 March 2014 and up to the date of approval of the Statement of Accounts

### 3. The Governance Framework

- 3.1 The CIPFA/SOLACE governance framework identifies the following 6 fundamental principles of corporate governance

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity and capability of members and officers to be effective
- Engaging with local people and other stakeholders to ensure robust public accountability

3.2 Council approved its Code of Corporate Governance on 19<sup>th</sup> June 2008 based on the 6 principles outlined above.

3.3 The key elements of the policies, systems and procedures that comprise the governance framework in the Council are shown below and linked to the 6 fundamental principles

### 3.4 **Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**

- The **Council** is made up of 72 councillors who are democratically accountable to residents and have an overriding duty to the whole community. Council decides overall policies and sets the annual budget as well as receiving reports from Scrutiny Boards, Cabinet Members and Officers.
- The Council is required, under the Local Government (Wales) Measure 2011 to put in place a system to publish a **Councillors Annual Report** in relation to their activities. A template report has been agreed by the Democratic Services Committee and any reports submitted by Councillors are published on the Council's website.
- The forward looking **Corporate Improvement Plan** which is produced under the Local Government (Wales) Measure 2009 summarises the Council's improvement objectives and associated priorities, targets and milestones.
- An **Annual Performance Review** is undertaken which provides a commentary on the progress made by the Council in meeting the priorities, actions and targets set out in the Corporate Improvement Plan.
- The Council publishes a **Single Integrated Plan** which replaces the Community Strategy. The Plan is developed by the Local Service Board following a Single Needs Assessment and Consultation Exercise.
- A **Code of Corporate Governance** based on the CIPFA/SOLACE governance framework has been adopted by the Council.
- A **Business Planning Process** exists which aims to more clearly align previously disparate budget and planning processes, such as equalities, sustainability and risk management into a 4 year planning cycle with an annual review. Each Head of Service must produce a Business Plan and an e-learning tool and Business Planning Toolkit is available to ensure consistency across the Council.
- A **Medium Term Financial Plan** is approved by Council each year which provides for a balanced budget in the following year and a projection for the

next 3 years based on a combination of detail, where known, and forecasts based on best available evidence.

### 3.5 **Members and officers working together to achieve a common purpose with clearly defined functions and roles**

- A **Council Constitution** exists which sets out the framework and rules governing the Council's business described in 16 Articles. The Constitution also includes a Scheme of Delegation and a number of Rules of Procedure, Codes and Protocols as well as the Councillors' Allowances Scheme.
- A **Constitution Working Group** exists to review all aspects of the Council Constitution and to make appropriate recommendations for change.
- Separate **Codes of Conduct** exist in the Council Constitution for **Members and Officers** which describe the high standard of conduct expected of them. There is also a **Member/Officer Protocol** which guides the relationship between them to ensure the smooth running of the Council.
- The **Chief Executive**, as Head of the Paid Service, leads the Council's officers and chairs the Executive Board
- A new **Corporate Management Structure** was put in place during 2013/14 with Directorates for People, Place and Corporate Services being established to deliver thematic and cross cutting working across the Council and across partnerships. The Executive Board, Directors' Group and Top Managers Group were established from 01/09/13 with specific roles and project portfolios.
- The Head of Finance and Delivery is designated the Council's **S151 Officer** and is responsible for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal financial control.
- The Council's financial management arrangements during 2013/14 complied with the governance requirements of the **CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010)**.
- An **Audit Committee** exists to review and scrutinise the Council's financial affairs, review and assess the risk management, internal control and corporate governance arrangements, oversee the internal and external audit arrangements and review the financial statements.
- The Head of Legal, Democratic Services and Procurement has been designated as the Council's **Monitoring Officer** and is responsible for investigating and reporting on any allegations of contraventions to any laws, policies, procedures, regulations or maladministration and breaches of the Council's Constitution
- The Council is the Administering Authority for the **City and County of Swansea Pension Fund** and is responsible for all issues relating to the governance of the Pension Fund. For 2013/14, the functions were undertaken by the Pension Fund Committee which replaced the Pension Fund Panel with effect from 01/04/13.

### 3.6 **Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

- The Council has defined its **Values** as Innovation, Teamwork, Caring, Respect, Enthusiasm and Openness. A detailed description of each value and what it means to the Council is available on the Intranet.

- The **Standards Committee** made up of 4 councillors and 5 independent members promotes and maintains high standards of conduct by Councillors, assists Councillors to observe their Code of Conduct, monitors the operation of the Code and deals with breaches of the Code of Conduct referred to them by the Public Service Ombudsman for Wales
- The **Anti Fraud and Corruption Policy** applies to all councillors and employees. It outlines the Council's commitment to preventing, discouraging, detecting and investigating fraud and corruption whether attempted on the Council or from within the Council. The Policy was reviewed and updated in 2013/14 and published in the new online Employee Handbook which went live on 01/04/14.
- A new **Corporate Complaints Policy** based on the Welsh Government Model for complaints handling was adopted by Council on 14/03/13. The policy governs the investigation of complaints from members of the public including complaints about service provision. A Corporate Complaints Annual Report is presented to Cabinet each year.
- A **Whistle Blowing Policy** exists which encourages and enables employees to raise serious concerns without fear of harassment or victimisation. The Policy was reviewed and updated in 2013/14 and published in the new online Employee Handbook which went live on 01/04/14.
- The **Internal Audit Section** operates in accordance with the Public Sector Internal Audit Standards and is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

### 3.7 Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

- The **Decision Making** process is clearly set out in the Constitution along with the scheme of delegation and the terms of reference of Cabinet, Committees, Scrutiny Boards, Panels, Forums and Groups.
- The **Cabinet** (as Executive) is responsible for most day to day decisions and acts in line with the Council's overall policies and budget. Following the Election in May 2012, a new Cabinet structure was put in place based on new portfolios and cross-cutting themes.
- A **Challenge Panel** consisting of 12 members considers any Cabinet decisions which have been 'called in' if the Chair of the Council accepts that the call in is valid. The criteria used by the Chair to decide on validity are tightly set and the Chair receives appropriate advice from officers. The Challenge Panel considers whether the decision is a well founded and appropriate decision of Cabinet
- All reports to Council and Cabinet must include paragraphs detailing the **Financial, Legal and Equality and Engagement Implications** of the report.
- The **Scrutiny Programme Committee** is responsible for developing the Council's Scrutiny Work Programme via a single workplan, holding Cabinet Members to account and providing challenge on specific themes. The Committee will set up informal **Scrutiny Panels and Working Groups** to undertake the detailed work of scrutiny and will appoint **Scrutiny Conveners** to chair the various Scrutiny Panels

- The role of **Scrutiny** is to improve the performance of services, provide an effective challenge to the Executive and engage non-executive members and the public in the development of policies, strategies and plans. The primary purpose of Scrutiny is to add value to the work of the Council and act as a critical friend to Cabinet and other decision makers in order to promote better services, policies and decisions.
- A **Scrutiny Work Planning Conference** is held each year to choose topics for review and a **Scrutiny Annual Report** is presented to the Scrutiny Programme Committee.
- A **Corporate Risk Policy** is in place which describes how risk management is implemented in the Council to support the realisation of strategic objectives. A **Risk Management Framework** also exists which aims to help managers and members at all levels to apply risk management principles consistently across their areas of responsibility.
- Corporate, Directorate and Service **Risk Registers** are in place to capture all risks that could affect the Council

### 3.8 Develop the capacity and capability of members and officers to be effective

- **Induction courses** are held for all new councillors and employees and a detailed **Councillors Training Programme** is delivered on an annual basis.
- Regular **Cabinet and Executive Board Away Days** are held where thematic issues are discussed such as Sustainable Swansea – fit for the future, One Swansea Plan and poverty and prevention.
- A new **Employee Performance Management Policy** was developed during 2013/14 and published in the new online Employee Handbook which went live on 01/04/14. The policy establishes a process which contributes to the effective management of individuals and teams in order to achieve high levels of organisational performance.
- Monthly **One to One meetings** are held involving the Leader, Cabinet Members, Chief Executive, Corporate Directors, Chief Officers, Heads of Service and 3<sup>rd</sup> tier staff as part of the performance management process
- Each Corporate Director holds a monthly **Performance and Financial Monitoring** meeting where Chief Officers and Heads of Service report on progress in terms of continuous improvement and budgets
- The Council Constitution includes **Financial Procedure Rules** which govern the financial management of the Council
- Financial Procedure Rules are supplemented by detailed **Accounting Instructions** which aid sound financial administration by setting out the principal controls and procedures for a range of functions to be followed by all departments. From time to time the Accounting Instructions are reviewed and ad hoc instructions may also be issued such as the current spending restrictions.
- The Council Constitution includes **Contract Procedure Rules** which govern the purchasing of goods and services and the letting of contracts with the aim of obtaining the best use of resources and value for money. Contract Procedure Rules were reviewed during 2013/14 and a new set of rules were approved by Council on 15/04/14

### 3.9 Engaging with local people and other stakeholders to ensure robust public accountability

- A **Consultation and Engagement Strategy 2011-14** exists to ensure effective consultation and engagement with residents and partner organisations.
- The **Swansea Voices Panel** consists of a representative sample of 1,250 residents and provides a means for consulting on service provision and local issues. There is also a ward representative role for each councillor.
- The **Swansea Leader** is published every 2 months and delivered to every household in the area informing people about the Council's work and the progress it is making. An electronic version of the Swansea Leader is available on the Council's website.
- A range of **Information for Stakeholders** is available on the Council website including agendas, which are published in advance of meetings and minutes of all Council, Cabinet, Committee and Scrutiny Board meetings. Citizens can attend meetings of the Council, Cabinet, Committees and Scrutiny Boards except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private. The Council website is being re-launched during 2014/15 with the new website being more user and task orientated, easier to navigate, more concise and contributing to the Council's 'Digital by Default' approach.
- Citizens also have the right to ask questions and time is set aside at each Council and Cabinet meeting for **Public Questions**
- **Financial Monitoring Reports** which monitor the revenue and capital budgets are produced on a quarterly basis and reported to Cabinet
- **Performance Monitoring Reports** are produced for Cabinet on a quarterly basis and performance results are certified at the end of the year and any inconsistencies are investigated.

3.10 The Council's Annual Statement of Accounts includes **Group Accounts** which incorporates the companies shown below. The Annual General Meeting of the Council appoints councillors to sit on the Boards of the companies. The number of councillors appointed is shown against each company

- Swansea City Waste Disposal Co. Ltd (1 councillor)
- Wales National Pool Swansea Ltd (3 councillors)
- National Waterfront Museum Swansea Ltd (3 councillors)
- Swansea Stadium Management Co. Ltd (2 councillors)
- Bay Leisure Ltd (2 councillors)

3.11 The services provided by the Swansea City Waste Disposal Company transferred back to the Council with effect from 01/08/13.

3.12 A number of methods are in place to monitor the activities and performance of the companies including councillor/officer steering groups, strategic and operational meetings and management groups.

3.13 A partnership unit has been set up by the Head of Culture, Sport/Leisure and Tourism to monitor the activities of externally funded partner providers and an Annual Report on Leisure Partnerships is presented to Council each year

#### 4. Review of Effectiveness

4.1 The City and County of Swansea has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Authority who have responsibility for the development and maintenance of the governance environment, the Chief Auditor's annual report, and also by comments made by the external auditor and other review agencies and inspectorates

4.2 The processes for maintaining and reviewing the effectiveness of the governance framework within the Council include the following broad headings

#### 4.3 Internal Control Self Assessment

- Each Head of Service has provided a signed **Senior Management Assurance Statement** for 2013/14 which provides assurance over the internal control, risk management and governance framework for their area of responsibility.

#### 4.4 Internal Sources of Assurance

The following provide assurance based, partly, on reports covering 2012/13 as the reports for 2013/14 are not yet available. The 2013/14 reports will be reflected in the next Annual Governance Statement

- The **Annual Performance Review 2012/13 'Improving What Matters'** was reported to Council on 22/10/13. The report also included the Council's response to the proposals for improvement made by the Wales Audit Office in its Annual Improvement Report 2013.
- The **Standards Committee** met on 8 occasions during 2013/14 and the **Standards Committee Annual Report 2012/13** was presented to Council on 24/09/13.
- The **Scrutiny Programme Committee and Panels** met throughout 2013/14 and were supported by the Scrutiny Support Unit. The **Scrutiny Annual Report 2012/13** was presented to the Scrutiny Programme Committee on 08/07/13.
- The annual **Scrutiny Work Planning Conference 2013/14** was held on 20/05/13 and a report on the **Scrutiny Work Programme 2013/14** was agreed by the Scrutiny Programme Committee on 10/06/13
- The **Corporate Complaints Policy** was in place throughout 2013/14 and the **Complaints Annual Report 2012/13** was presented to Cabinet on 15/10/13.
- The **Internal Audit Annual Report 2012/13** was reported to the Audit Committee on 15/08/13 and included the Chief Auditor's opinion that based on the audit reviews undertaken in 2012/13, Internal Audit can give reasonable assurance that the systems of internal control were operating adequately and effectively and that no significant weaknesses were identified.
- A number of vacancies were experienced by the **Internal Audit Section** during 2013/14 leading to a loss of productive time but there was still sufficient audit coverage to be able to provide the required Internal Audit assurance for the year.



The following provides assurance based on reports covering 2013/14

- The forward looking **Corporate Improvement Plan 2013-17** '*Standing up for a Better Swansea*' produced in accordance with the Local Government (Wales) Measure 2009 was adopted by Council on 30/07/13. The Plan includes the 8 Improvement Objectives that the Council will address in the coming years.
- The One Swansea Plan 2013 was adopted by Council on 24/09/13 as the **Single Integrated Plan** which replaced the Community Strategy. The Plan includes 6 population outcomes i.e. broad conditions for communities and 21 challenges i.e. what has to change to make progress towards achieving the outcomes.
- The **Audit Committee** met on 11 occasions during 2013/14 and followed a structured workplan which covered all areas of the Committee's responsibilities. The Committee includes a lay member as required by the Local Government (Wales) Measure 2011. The lay member is also the Chair of the Committee. The Committee received the Internal Audit Annual Report 2012/13 as well as quarterly Internal Audit Monitoring Reports for 2013/14 showing progress against the Annual Internal Audit Plan.
- The **Constitution Working Group** only met once during 2013/14 to agree the suitability of the prospective Lord Mayor and Deputy Lord Mayor.
- The **Medium Term Financial Plan 2015/16 – 2017/18** was approved by Council on 18/02/14. The Plan outlined the significant shortfall in funding faced by the Council over the period and the strategy to be adopted to address the shortfall.
- The **Corporate Risk Management Framework** is being reviewed by the Executive Board to strengthen links between corporate, directorate and service risk reporting and to seek assurance about day to day risk management. Corporate Risks have recently been updated as part of this and will form part of future quarterly balanced scorecard reporting.
- Each Corporate Director held monthly **Performance and Financial Monitoring** meetings where Chief Officers and Heads of Service reported on progress in terms of continuous improvement and budgets.
- Quarterly **Performance Monitoring Reports** were presented to Cabinet during 2013/14.
- Quarterly **Financial Monitoring Reports** were presented to Cabinet throughout 2013/14.
- All reports presented to Cabinet and Council during 2013/14 had been reviewed by Finance and Legal staff and included the appropriate paragraphs detailing the **Financial, Legal and Equality and Engagement Implications** of the report.
- The **Pension Fund Committee** met on 4 occasions during 2013/14 and dealt with all issues relating to the governance of the Pension Fund

#### 4.5 External Sources of Assurance

- The Wales Audit Office produces an **Annual Improvement Report** under the Local Government (Wales) Measure 2009. The report is produced in association with other inspectors such as ESTYN and CSSIW and shows how well the Council is improving the services it provides. The **Annual Improvement Report 2013/14** was published on 05/06/14 and reported to Cabinet on 29/07/14. The report's main conclusions were that the Council made good progress in delivering its improvement priorities apart from

recycling, got better at reporting how well it is performing, is developing a consistent approach to evaluating itself, has strengthened its capacity to drive improvement by completing its management restructure and established a strategy for managing the significant financial challenges it faces.

- The Wales Audit Office provided two **Improvement Assessment Letters 2013/14** as required by the Local Government (Wales) Measure 2009. The letters identify compliance with the Measure in terms of improvement planning and the requirement to make arrangements for continuous improvement. The letters also include some proposals for improvement.
- The Appointed Auditor's **Annual Audit Letter** was sent to the Leader on 28/11/13 and presented to the Audit Committee on 12/12/13. The letter stated that *'The Council complied with its responsibilities relating to financial reporting and use of resources'*. The letter also stated that an unqualified audit opinion had been issued on the accounting statements confirming that they present a true and fair view of the Council's, Group's and Pension Fund's financial position and transactions.
- The **Wales Audit Office's Controls Report 2012/13** was presented to the Audit Committee on 12/12/13. The report made recommendations regarding 10 weaknesses identified in the Council's internal controls, all of which were considered to be medium or low risk. The report also identified the progress made in implementing the recommendations made in the previous year's Controls Report.
- PwC on behalf of the Wales Audit Office presented the **Audit of Accounting Statements – Report to Those Charged with Governance** for 2012/13 to Cabinet on 17/09/13. The report highlighted any significant issues to those charged with governance that needed to be considered prior to the approval of the financial statements. The report also indicated that the auditor intended to issue an unqualified audit report on the financial statements for 2012/13.
- The Council is subject to **Statutory External Inspections** by various bodies including Wales Audit Office, ESTYN and CSSIW. In June 2013, ESTYN published its report on the Quality of Local Authority Education Services for Children and Young People in Swansea, The report, which was presented to Council by Estyn on 22/10/13 judged Swansea's current performance as adequate (good features outweigh areas shortcomings) and the prospects for improvement as good (good features and no important shortcomings). The Chief Executive established a Corporate Education Improvement Board and Education Leadership Board to address the issues and recommendations arising from the report. The CSSIW Annual Review and Evaluation Report 2012/13 for Swansea concluded that *'adult services have improved and there is sustained progress'* and *'child and family services are making steady progress in the face of increased demand.'* However the report also identified potential risks to be considered.

- 4.6 The Annual General Meeting of the Council held on 09/05/13 appointed the required number of councillors to sit on the Boards of the companies included in the Council's **Group Accounts**. Changes were made to the representatives on Bay Leisure and Swansea Stadium Management Company at Council on 19/11/13.
- 4.7 The Annual Report on Leisure Partnerships for 2012/13 was presented to Council on 15/04/14. The report reviewed the Wales National Pool Swansea, National Waterfront Museum Swansea, Liberty Stadium and the LC in detail and provided information on the monitoring arrangements in place.

- 4.8 The legislation which required waste disposal operations to be carried out 'at arms length' has been repealed. The Council undertook a full review of the operations of Swansea City Waste Disposal Company in light of its current waste strategy and decided to bring the whole operation back in house. The Company's assets and liabilities as well as its employees transferred into the Council from 01/08/13 and the liquidation of the Company will follow in due course.
- 4.9 The review of the effectiveness of the Council's governance arrangements indicate that they continue to be regarded as fit for purpose in accordance with the governance framework. The areas already addressed and those to be specifically addressed with new actions planned are outlined below.

## 5 Significant Governance Issues

- 5.1 The following table shows the significant governance issues which were identified during the review of effectiveness undertaken when preparing the Annual Governance Statement 2012/13 and the action taken during the year to address the issues

Issue	Proposed Action	Action Taken
Develop rationalised set of priorities	Prepare Corporate Improvement Plan that links to Single Integrated Plan and sets out outcome based improvement objectives and performance measures	Corporate Improvement Plan 2013/17 – <i>Standing Up for a Better Swansea</i> – was published in August 2013. The Plan was developed using an outcome based approach (Results Based Accountability), which identified improvement priorities showing the Council's contribution to the Single Integrated Plan. The WAO confirmed that the Council had discharged its statutory improvement planning duties. Further work will take place during 2014/15 on developing a rationalised set of priorities as part of a Corporate Plan
Reporting to Citizens	Undertake annual review of performance that measures Council's success delivering its Improvement Plan and objectives on the basis of 'impact' for citizens.	The Annual Performance Review 2012/13 published in October 2013 sought to outline the Council's view of its success delivering its Improvement Objectives. The WAO acknowledged in its <i>Annual Improvement Report</i> that the Council had got better at reporting how well it is performing and is developing a consistent approach to evaluating itself. Further work

		will take place in 2014/15 on embedding the Council's emerging approach to self-evaluation
Scrutiny Arrangements	Complete the review of the new Scrutiny arrangements in line with the Wales Audit Office National Scrutiny Improvement Study	Following positive engagement in the Improvement Study, the Scrutiny Programme Committee has identified and acted upon a number of improvement themes.
Compliance by Schools	Continue to provide challenge and direction to schools to embed the improvements already made to ensure compliance with financial regulations, accounting instructions, procurement processes etc.	Schools continue to receive appropriate guidance, direction and challenge, building further on the improvements already made. This will continue and the overall impact monitored.
Arms Length Operations	Undertake a review of the governance arrangements	A review has been completed and a 'lessons learnt' report presented to Executive Board. An audit of the governance arrangements for partnerships is underway and will report during 2014/15
Senior Management Assurance Statements	Review evidence available to confirm statements made by Heads of Service for a sample of Senior Management Assurance Statements	A review will be undertaken of the Senior Management Assurance Statements provided in May 2014.

5.2 The following table identifies issues which have been raised during the review of effectiveness and the proposed action to be taken during 2014/15 to address the issues

<b>Issue</b>	<b>Proposed Action</b>
Develop a rationalised set of priorities for the Council.	Develop a Corporate Plan with a reduced set of corporate priorities and performance indicators focussing on what matters to Swansea
Improve the processes for reporting to Citizens	Publish an annual review of performance where the Council sets out its view of its performance delivering its improvement priorities in a more accessible way e.g. case studies highlighting actual improvements
Review of Arms Length Operations	Complete audit review of the governance arrangements of partnerships.
Review of Regional Collaborative Arrangements	Review the effectiveness of the governance arrangements for the Council's Regional Collaborative Arrangements

Review of Senior Management Assurance Statements	Review evidence available to confirm statements made by Heads of Service for a sample of Senior Management Assurance Statements as part of the Internal Audit review of Corporate Governance.
Review of the Council's Code of Corporate Governance	The Code of Corporate Governance was approved by Council in June 2008 and it is proposed to review and update the Code.

5.3 We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review

Signed ..... Chief Executive  
Date .....

Signed..... Leader  
Date .....

# Agenda Item 12.a

## Report of the Cabinet Member for Learning and Skills

Cabinet – 23 September 2014

### AMALGAMATION OF BRYNHYFRYD INFANT AND JUNIOR SCHOOLS

<b>Purpose:</b>	To report to members on the result of consultation and to seek approval for publication of a statutory notice on a proposal to close Brynhyfryd Infant and Brynhyfryd Junior Schools and establish a new all through primary school on the existing sites
<b>Policy Framework:</b>	QEd 2020 (strategic programme) Children & Young People Plan (priority 7)
<b>Reason for Decision:</b>	Cabinet have previously approved that consultation could take place on this proposal. The consultation period has now ended and, following consideration of the points raised during consultation, it is recommended to move to the next stage of the statutory process – publication of a statutory notice. This proposal is consistent with existing Council policy to deliver, wherever possible, all through primary provision for pupils.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	To publish a statutory notice on the proposal to cease to maintain Brynhyfryd Infant and Brynhyfryd Junior Schools from 31 August 2015, and to establish a new all through Primary School from the 1 <sup>st</sup> September 2015 on the existing Brynhyfryd sites
<b>Report Author:</b>	Kelly Small
<b>Finance Officer:</b>	Sue Rees
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officer:</b>	Sherill Hopkins

## **1. Introduction**

- 1.1 Cabinet agreed at a meeting held on the 6<sup>th</sup> May 2014 that consultation should take place on a proposal to cease to maintain Brynhyfyrd Infant and Brynhyfyrd Junior Schools from 31<sup>st</sup> August 2015 and to establish a single all through Primary School from 1<sup>st</sup> September 2015, on the existing sites. The consultation papers are attached at Appendix A.
- 1.2 Following this consultation period, Cabinet are now required to consider the responses received by the end of the consultation period and decide if the proposal should move to the next stage – the publishing of statutory notices inviting any formal objections to the proposal.

## **2.0 Consultation Responses**

- 2.1 106 responses were received during the consultation period. 101 of these were from pupils, 4 were from parents/carers and 1 was from a school governor. 77 responses supported the proposal/were happy with the proposal, 16 were undecided and 13 were unhappy about the proposal. Estyn were also required to comment on the proposal under the new School Organisation Code. Copies of all correspondence received has been made available to Cabinet members. A summary of the issues raised and the Estyn response is attached at Appendix B.
- 2.2 Consultation meetings were held with pupils, parents, staff and governors. Notes of these meetings have been made available to Cabinet members.
- 2.3 8 responses wanted the infant and junior schools to remain as separate schools. The other main concern was about the cost of the new school uniform (2 responses).

## **3.0 Equality and Engagement Implications**

- 3.1 A full Equality Impact Assessment has been completed (see Appendix C), which reflects the views received during the consultation. It has shown this project will have a positive impact on;

Age – With pupils benefiting from a shared ethos and philosophy, coherent continuity of education provision as well as benefits for the whole school community, for example where older children can work with younger children.

## **4. Financial Implications**

- 4.1 Schools are funded from an overall delegated budget – The Individual Schools Budget (ISB). There is a funding formula that allocates a budget share to each individual school from the ISB. The amalgamation will lead to a reduced budget share for the Brynhyfyrd primary school

over time (see Appendix D). Any savings will be reinvested into the ISB for the benefit of all pupils in Swansea in line with existing policy.

- 4.2 Amalgamations of schools can lead to some initial increased costs, for example redundancy costs, as in legal terms both the infant and junior schools must be closed and a new primary school established. Although we would recommend to governors that all posts at the new school are ring-fenced to existing employees at Brynhyfryd Infants and Juniors, there could be some staff that are not successful in matching against a post at the newly established primary school, with redundancy costs charged to central budgets.
- 4.3 There can be some transitional and implementation costs with school organisation proposals. Further details are provided at Appendix D. These would be met from central Education budgets or the delegated ISB.
- 4.4 There are no capital implications for this proposal as existing sites are to be used for the new primary school.

## **5. Legal Implications**

- 5.1 Reorganisation of school provision involving the establishment or discontinuance of community schools requires consultation and the publication of statutory notices in accordance with the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code.
- 5.2 Before publishing any proposals relating to the establishment of a school under s41 of the Act, or discontinuing a school under s43 of the Act, the Authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. Guidance has been issued by the Welsh Government in Circular 006/2013 entitled the “School Organisation Code” which must be followed:
  - a) At the start of the consultation period Proposers must provide consultees with a consultation document and give them at least 42 days in which to respond, with at least 20 of these being school days.
  - b) Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
  - c) A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
  - d) If a decision is made to proceed, a Statutory notice is published providing a 28 day notice period for objections. The notice must be



published on a school day and with 15 school days (not including the day of publication) in the notice period.

- e) If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
- f) The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. In this Authority, it has been determined that if objections are received then the final decision will be a Council function. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
- g) If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.

5.3 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

**Background Papers:** School Standards and Organisation (Wales) Act 2013; The Welsh Government's "School Organisation Code" Circular 006/201; Community Impact Assessment; Report to Cabinet 6<sup>th</sup> May 2014

**Appendices:** Appendix A – Consultation Papers  
Appendix B – Summary of Responses Received  
Appendix C – Equalities Impact Assessment  
Appendix D – Financial Breakdown



**CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE**

**BRYNHYFRYD INFANT AND JUNIOR SCHOOLS**

**PROPOSAL TO AMALGAMATE THE SCHOOLS INTO AN ALL-THROUGH PRIMARY  
FROM 1ST SEPTEMBER 2015**

**Introduction to the Proposal**

1. This consultation is on a proposal to amalgamate Brynhyfyrd Infant\* and Junior Schools. Although we use the term 'amalgamate', the infant and junior schools would close in legal terms on 31<sup>st</sup> August 2015 and a new primary school for pupils aged 3-11 would be established on 1<sup>st</sup> September 2015 on the same sites and using the same buildings.
2. Closing both existing schools as part of the amalgamation ensures that both schools are treated on an equal basis.
3. Before moving forward with its proposals, the Council wishes to seek the views of all of those with a likely interest in the proposal so that their views can be taken into account before decisions are made. Those being consulted on this proposal are the pupils, parents, governors and staff of the infant and junior schools, as well as neighbouring schools, the local community and other interested parties.
4. The consultation period will take place between 20<sup>th</sup> May 2014 and 30<sup>th</sup> June 2014. A report on the outcome of these consultations will be submitted to a Cabinet meeting of elected members on 23<sup>rd</sup> September 2014.

**What would this proposal mean?**

5. At the moment, Brynhyfyrd Infant and Junior Schools are two separate schools with two headteachers, two groups of staff, two separate budgets and two governing bodies. Information on both schools is provided at Appendix A.
6. If the two schools were to be amalgamated, there would be a single school with an age range of 3 - 11 years. Therefore, a child entering the nursery would continue in the school until they were 11 years old (Year 6) and ready to move on to a secondary school. Information on the proposed new school is provided at Appendix B.
7. There would be one headteacher, one group of staff and one budget. There would also be a single governing body.
8. Existing buildings would be used to form the Primary School.

*\* Note that Brynhyfyrd Infant School also includes the Nursery on the Junior site*

## **Why has this proposal been made?**

9. There are several reasons why amalgamation of the two schools is proposed:
- The proposal supports the Authority's Primary School philosophy. The highest priority of the Authority is ensuring that schools provide the best possible education to its pupils
  - The Council has been working on a wide ranging school organisation programme, called Quality in Education (QEd) 2020, for some time. This proposal has been identified following much discussion with headteachers, governors and other interested parties that have been working with the Council on QEd 2020. Further information on QEd 2020 can be found on the Council's website [www.swansea.gov.uk/qed](http://www.swansea.gov.uk/qed)
  - Brynhyfryd Infant and Junior Schools are the only remaining separate infant and junior schools in Swansea.
  - Deputy Headteacher vacancies have recently arisen at both schools. The Headteacher of the Junior School is also on a part-time phased retirement and has recently announced that she will retire on 31<sup>st</sup> August 2014.
  - A combined school will have a larger combined budget and will have more flexibility and scope in relation to the use of resources available e.g. sharing of staff and equipment, economies of scale for purchases etc.

## **What are the potential benefits of Amalgamation?**

10. The benefits of establishing all through primary provision are:
- Parents only have to contact a single headteacher, governing body and staff
  - A shared ethos and philosophy
  - A single set of policies and code of behaviour
  - One programme of study and system developed across the school
  - Coherent continuity of education provision for pupils
  - More effective transition from Foundation forwards to Key Stage 2
  - Greater opportunities for staff continuing professional development and understanding of child development
  - A single school can provide continuity of the curriculum for pupils from 3 to 11 years old
  - There are benefits for the whole school community, for example where older children can work with younger children

- A primary school would have a larger team of staff than either of the existing infant and junior schools, so could provide more flexibility in terms of covering all of the subjects in the curriculum. It can provide staff with more opportunities to develop their skills across the whole primary age range and can enable the best use to be made of staff expertise.
- The facilities previously available to two separate schools could be available to all pupils in a combined school
- Pupils would no longer have to apply to be admitted to the Junior School at Year 3, they would only have to apply once in future for admission to Reception.

The latest Estyn Inspection ratings for the schools were:

	Infant	Junior
Date of Inspection	June 2013	February 2012
Current Performance	Good	Good
Prospects for Improvement	Good	Good

The summary of the Estyn reports can be found at Appendix C.

The full reports can be found at:

<http://www.estyn.gov.uk/english/inspection/inspection-reports/>

### **What are the main challenges for this proposal?**

11. Amalgamating two schools into one will inevitably cause some disruption and uncertainty for a period of time, although experience shows that this can be kept to a minimum and that the children's education does not suffer.
12. There will be staffing implications in that, for example, there will only be funding for one headteacher and one deputy (although in previous amalgamations some of the new governing bodies have decided to appoint two deputy headteachers if their budget allowed). Parents are used to dealing with two headteachers and two groups of staff and this would obviously change if amalgamation went ahead.
13. The school would continue to be based over two separate sites. It is not anticipated that pupils would need to move between sites to any great extent during a normal school day and it is likely that the school will continue to operate as an infant site, a junior site and a nursery unit. Additional funding is provided in the budget share for schools that are based on a split-site.

### **What are the Next Steps?**

14. Consultation will be carried out during May and June 2014 and the results will be reported to a Cabinet meeting of the City and County of Swansea on 23<sup>rd</sup> September 2014. If the Cabinet decide not to proceed, that will be the end of this proposal for the foreseeable future.

15. However, if Cabinet decide to go ahead, there would be a statutory procedure to follow to make the proposed changes for September 2015. A statutory notice outlining the proposals would need to be published, inviting any formal written objections to be submitted within 28 days of publication of the notice (a copy of the notice will be provided to parents/carers and staff members and it will also be published at the schools, at the nearest library and on the Council Website [www.swansea.gov.uk](http://www.swansea.gov.uk)). If there are objections, the Council will need to consider the objections to the proposal before making a decision.
16. The provisional timetable and procedure which is required by law will be as follows:
 

6 <sup>th</sup> October 2014	Publication of statutory notices (followed by a 28-day objection period).
3 <sup>rd</sup> November 2014	End of objection period. If there are no objections to the proposal, the amalgamation will be implemented as per the statutory notice. If there are objections, the proposal will fall to Council for determination at their meeting on 6 <sup>th</sup> January 2015.

The earliest date when the new primary school could come into being would be 1<sup>st</sup> September 2015.

Further information on the timetable can be found at Appendix D.

### **Governing Body**

17. A Temporary Governing Body would be established by the Authority, if the proposal proceeds, to take all appropriate action in advance of the new school being set up. This will include agreeing a staffing structure.
18. The Authority will make the appointments to the Temporary Governing Body (with the exception of the Community Governors who will be appointed by the Temporary Governing Body). It is likely that many of the governors on the Temporary Governing Body will be governors of the existing infant and junior Governing Bodies in order to ensure continuity, although ultimately this would be a decision for the Authority.
19. The existing infant and junior school Governing Bodies will continue to operate until both schools are closed i.e. until the end of the Summer Term 2015. The Temporary Governing Body will continue to operate until the new school's permanent Governing Body is constituted (this will be by 31<sup>st</sup> December 2015).

### **Staffing**

20. The new school would be funded for one Headteacher and one Deputy. The Temporary Governing Body would need to appoint to these posts and this may involve national advertisements. Once the Headteacher is appointed he/she would work closely with the temporary Governing Body in establishing a new staffing structure.

21. It is vitally important to ensure a smooth transition in order to seek to minimise any anxiety or uncertainty for affected staff. Regular communication with staff will be important so that progress can be reported and staff kept informed.
22. The new staffing structure would take into account a number of factors, including the delivery of curriculum, class size limits and the likely budget available. The Local Authority will recommend to Governors that all teaching and associate staff posts for the new school should be “ring-fenced” to the staff in the existing two schools. The Authority will also recommend that, wherever possible, staff be matched to posts in the new structure and this could involve interviews. If more than one member of staff is matched or applies for a post then this would normally be decided by competitive interview.

### **Building/Investment needs**

23. This proposal can proceed without specific capital investment. The combined Infant and Junior sites already have sufficient facilities to take all of the pupils without any building work. The capacity of the new school using the existing sites would be for 420 full-time pupils plus nursery. There were 392 full-time pupils on roll, plus nursery, in the schools in January 2014. See Appendix A for further details.

### **Admission Arrangements**

24. All full-time pupils on roll at the Infant and Junior schools on 31<sup>st</sup> August 2015 would transfer to the new primary school on 1<sup>st</sup> September 2015. Pupils applying to Nursery and Reception in September 2015 would have to apply according to the Council's agreed Admission Arrangements. Admission information for the City & County of Swansea can be found at <http://www.swansea.gov.uk/index.cfm?articleid=43269>
25. From September 2015 the Admission Arrangements would apply to the new Primary School in exactly the same way as for other primary schools in Swansea. Pupils would no longer have to apply to be admitted to the Junior School at Year 3, they would only have to apply once in future for admission to Reception. The Admission Number would continue to be the same for all year groups i.e. 60. (The Admission Number is the maximum number of pupils that can be admitted in any year group in the school. Infant and junior schools each have their own Admission Number).

### **Transport**

26. Transport would continue to be provided for any pupils that met agreed criteria i.e. those living more than 2 miles from their catchment area school or where there was no available walking route to school. For further information on home to school transport please see <http://www.swansea.gov.uk/index.cfm?articleid=10438>

## **Financial Information**

27. Amalgamating schools produces relatively limited savings if all existing accommodation is used. Initially there are some additional costs and New School Funding is provided for the first 3 years to support transition. Appendix D gives financial information on this proposal.
28. All schools are funded through a formula to ensure as much fairness as possible. The new school would therefore be funded on the same basis as other all-through primary schools. Appendix D gives an example of possible funding levels delegated to the new school based on current information.

## **Community Impact Assessment/Equalities Impact Assessment**

29. A Community Impact Assessment was carried out prior to agreement to consult on this proposal. The Assessment did not identify any issues. The Assessment can be found at <http://www.swansea.gov.uk/brynhyfrydamalgamation>
30. An Equalities Impact Assessment was carried out prior to agreement to consult on this proposal. The Assessment did not identify any issues. The assessment can be found at <http://www.swansea.gov.uk/brynhyfrydamalgamation>

## **UNCRC**

31. Article 12 of the United Nations Convention on the Rights of the Child states that children have the right to have a say in decisions that affect them and to have that view taken seriously. Therefore throughout the process we will ensure that children and young people have a chance to have a say on the proposals and on how they think it will affect their rights under the convention.

It is our view that either children's rights will be enhanced under the proposal or they will not be affected.

A move to the primary model with a single school leadership group and a single Governing Body will ensure better continuity of the curriculum and will ensure that a single learning ethos is carried throughout the education of the pupils, which supports the rights of the child under articles 28 and 29. As the school will continue to operate on a dual site, articles 28 and 29 will not be negatively affected in terms of the amount of learning space available, and article 31 will not be affected as the play opportunities currently available will continue.

## What do you now have to consider?

32. We would like your views as to whether or not you support the amalgamation of Brynhyfryd Infant and Junior Schools.

### How do you make your views known?

33. Consultation meetings will be held and you are welcome to attend the appropriate meeting:

Pupils, parents, staff and governors of Brynhyfryd Infant School and Brynhyfryd Junior School

Date: **Wednesday 4<sup>th</sup> June 2014**

Venue: **Brynhyfryd Junior School Main Hall**

Meeting for Infant School Council: **2:00 p.m.** (infant site for this meeting only)

Meeting for Junior School Council: **2:45 p.m.**

Meeting for all Staff\*: **3:30 p.m.**

Meeting for all Governors\*: **4:45 p.m.**

Meeting for all Parents\*: **5:45 p.m.**

\*This is a joint meeting for both schools

34. You are also welcome to put your views in writing on the attached pro-forma (Appendix F) to:

Mr. Arwyn Thomas  
Chief Education Officer  
Civic Centre  
Oystermouth Road  
Swansea  
SA1 3SN

(Please mark for the attention of Ms Kelly Small)

Or e-mail [kelly.small@swansea.gov.uk](mailto:kelly.small@swansea.gov.uk)

35. All views must be received by no later than 30<sup>th</sup> June 2014. Views received will then be collated into a Consultation Report together with a response from the Local Authority and this report will be given to Cabinet at their meeting on 23<sup>rd</sup> September 2014 for them to decide if the proposal should move to the next stage of the publication of a Statutory Notice.

If you require this document in Welsh or in a different format, please contact Kelly Small on 636686.

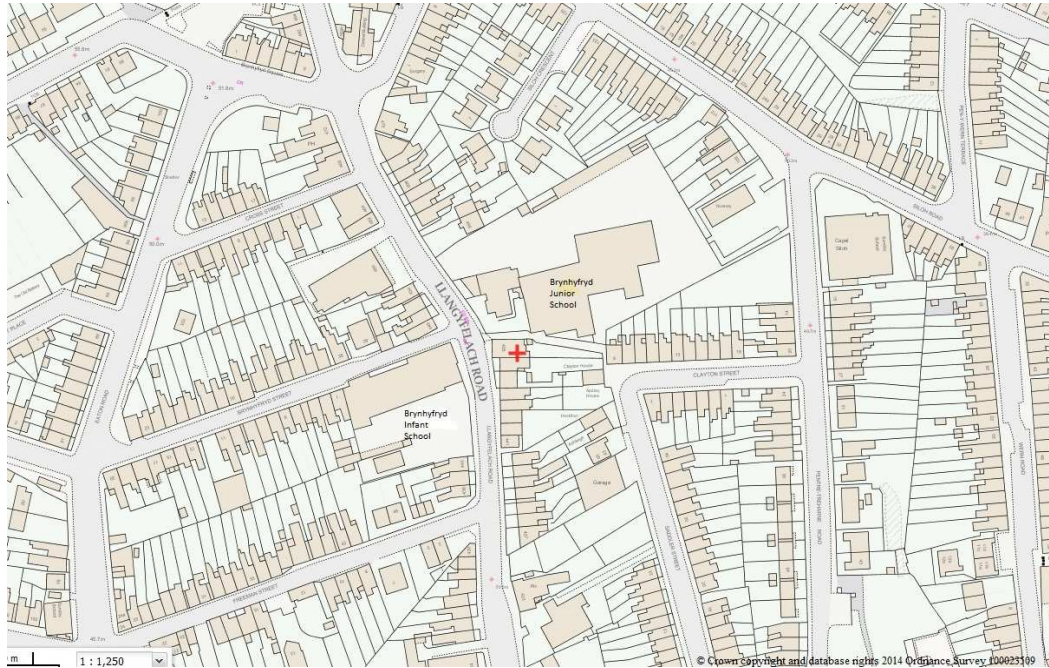
Please note that under the Freedom of Information Act any responses received can be requested and may have to be made public. All views received in writing during the consultation and any subsequent objection period will be forwarded to Councillors that participate in the Cabinet meetings. Correspondence will also be recorded and acknowledged.



Information – Brynhyfryd Infant and Junior Schools

**Schools affected by the proposal:**

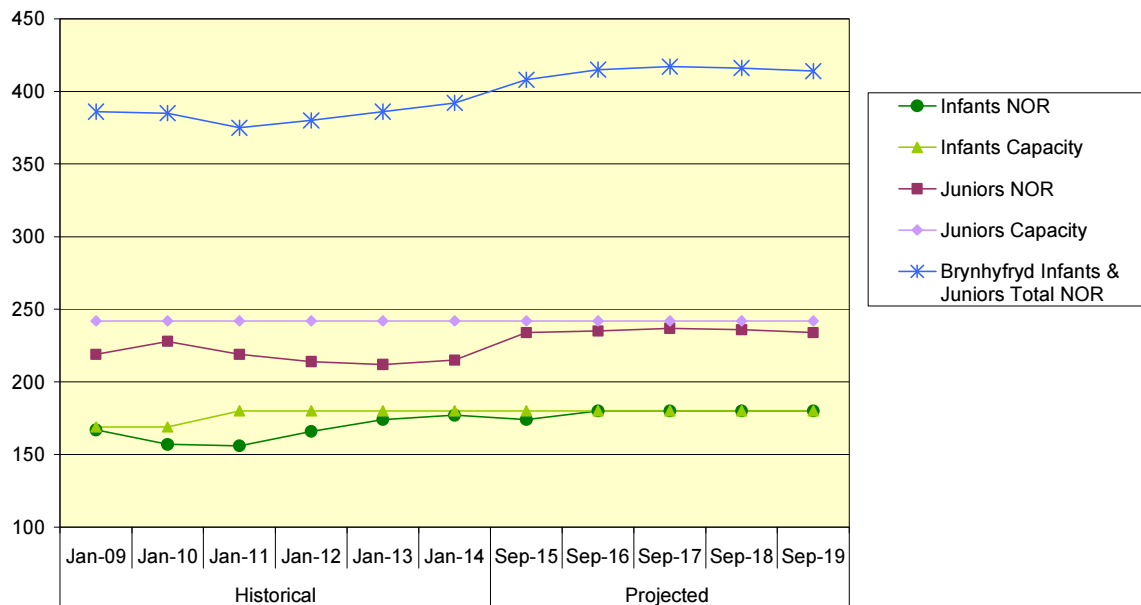
1. Brynhyfryd Infant School, Llangyfelach Road, Brynhyfryd, Swansea SA5 9LN
2. Brynhyfryd Junior School, Llangyfelach Road, Brynhyfryd, Swansea SA5 9LN



Both schools are English Medium Community Schools.

**Number of Pupils on roll:**

**Historical and Projected Numbers  
Brynhyfryd Infants & Juniors Full Time NOR**



Brynhyfryd Infants

	Historical						Projected				
	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19
Full Time NOR	167	157	156	166	174	177	174	180	180	180	180

Brynhyfryd Juniors

	Historical						Projected				
	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19
Full Time NOR	219	228	219	214	212	215	234	235	237	236	234

Combined Total

	Historical						Projected				
	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19
Full time NOR	386	385	375	380	386	392	408	415	417	416	414
FTE including Nursery	422	425.5	420	421	423	434	438	446	447.5	446.5	444.5

Combined Stats (Full Time NOR)

	Historical						Projected				
	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19
Infants NOR	167	157	156	166	174	177	174	180	180	180	180
Infants Capacity	169	169	180	180	180	180	180	180	180	180	180
Juniors NOR	219	228	219	214	212	215	234	235	237	236	234
Juniors Capacity	242	242	242	242	242	242	242	242	242	242	242
Brynhyfryd Infants & Juniors Total NOR	386	385	375	380	386	392	408	415	417	416	414

Nursery Info

	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14
Rising 3's	16	26	20	20	18	20
Funded 3	56	55	70	62	56	64
Combined Nursery	72	81	90	82	74	84

**Condition of Buildings:**

All schools in Swansea are allocated a condition rating as follows:

- A = Performing as intended and operating efficiently
- B = Performing as intended but exhibiting minor deterioration
- C = Exhibiting major defects and/or not operating as intended
- D = Life expired and/or risk of imminent failure

The current condition rating of the Brynhyfryd schools as at March 2014 is as follows:

- Infant school - condition rating 'B'
- Junior school - condition rating 'B'

Information – New Primary School

**Location of New Primary School:**

Llangyfelach Road, Brynhyfryd, Swansea SA5 9LN (using existing infant and junior school sites – see map at Appendix A)

**Category and Language Medium:**

The new school will be an English Medium Community School (the same as the existing infant and junior schools)

**Age Range:**

3-11 (Nursery to Year 6)

**Capacity of School and Admission Number:**

Capacity – 420

Admission Number - 60

## Summary

<b>The school's current performance</b>	<b>Good</b>
<b>The school's prospects for improvement</b>	<b>Good</b>

### Current performance

The current performance of the school is good because:

- the achievement and progress in pupils' work are strong over time;
- the provision of residential experiences, in line with the pupils' ages, is excellent;
- the planning of lessons and other learning experiences is stimulating;
- there are many strengths in the teaching across the school;
- the use and impact of support staff are very good;
- the learning environment, both indoors and outdoors, is vibrant; and
- there are good partnerships with parents and the local community.

However:

- the pupils' attendance levels over time are judged as adequate when compared to those in similar schools.

### Prospects for improvement

The school's prospects for improvement are good because:

- the headteacher, senior management team and governors provide a very clear direction for the work of the school;
- the school has a reliable track record of managing improvements over time;
- the school's self-evaluation report is thorough and there are clear targets for improvement in the school development plan; and
- all the staff are positive and are actively involved in professional development and training.

## Summary

<b>The school's current performance</b>	<b>Good</b>
<b>The school's prospects for improvement</b>	<b>Good</b>

### Current performance

The current performance of the provider is good because:

- most pupils make good progress in learning and achieve good standards in skills across the curriculum;
- nearly all teachers provide valuable learning experiences that motivate pupils to learn;
- there is a very warm and welcoming ethos which makes pupils feel secure and happy in school;
- the good support and guidance provided contributes significantly to pupils' wellbeing and has a very positive impact on learning;
- most pupils are enthusiastic and participate fully in lessons; and
- the governing body has a strong role in supporting and challenging the school.

### Prospects for improvement

The prospects for improvement of the provider are good because:

- the school has a proven track record of securing improvement in standards and performance;
- the analysis and very good use of performance data from an extensive range of different sources have a very positive impact on improving standards;
- the school senior management team and other leaders through systematic monitoring identify strengths and areas for development;
- the clear vision of the school is embraced by all the staff, governors, pupils and parents; and
- the strong partnerships with parents, other schools and industry help to improve the quality of the provision and the standards pupils achieve.



Further information and interactive charts can be accessed via <http://mylocalschool.wales.gov.uk/>. Select School Type: Primary, Area: Swansea.  
Here is an extract of some of the information on the My Local School website.

### Brynhyfyrd Infants School

Ref. 6702005



**Basic Details**

**Local Authority**  
Swansea

**Type**  
Infants and Nursery

**Gender Mix**  
Mixed

**Language**  
English medium

Defining schools according to Welsh medium provision

**Contact Details**

Llangyfelach Road  
Brynhyfyrd  
Swansea  
SA5 9LN

01792 650129

**External Links**  
Estyn Report

Summary	Pupils	Staff	Finance	Attainment ▾	Benchmarking ▾	Attendance
<p><b>248</b></p> <p>Number of pupils on roll</p> <p style="font-size: small;">Year: 2013</p>	<p><b>21.1%</b></p> <p>Free school meals (FSM) - 3 year average</p> <p style="font-size: small;">Year: 2013</p>	<p><b>21</b></p> <p>Pupil Teacher Ratio (PTR)</p> <p style="font-size: small;">Year: 2013</p>	<p><b>92.1%</b></p> <p>% Attendance during the year</p> <p style="font-size: small;">Year: 2013</p>	<p><b>£3,581</b></p> <p>School budget per pupil</p> <p style="font-size: small;">Year: 2014</p>	<p><b>85.7%</b></p> <p>Pupils achieving the expected outcome in the Foundation Phase areas of learning</p> <p style="font-size: small;">Year: 2013</p>	

### Brynhyfyrd Junior School

Ref. 6702003



**Basic Details**

**Local Authority**  
Swansea

**Type**  
Juniors

**Gender Mix**  
Mixed

**Language**  
English medium

Defining schools according to Welsh medium provision

**Contact Details**

Llangyfelach Road  
Brynhyfyrd  
Swansea  
SA5 9LN

01792 650192

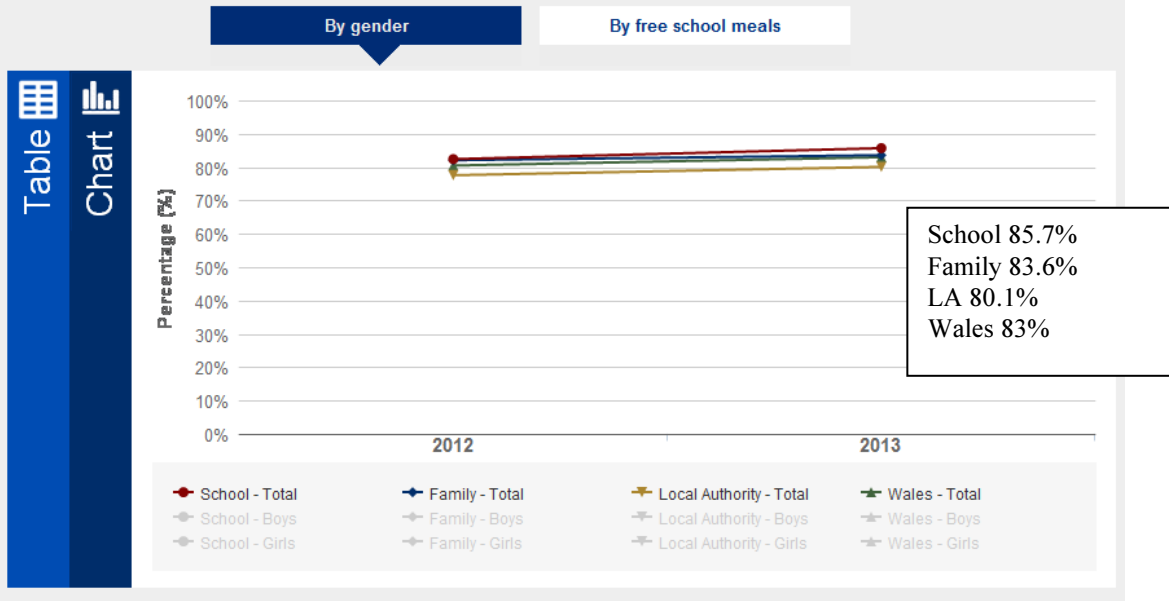
**External Links**  
Estyn Report

Summary	Pupils	Staff	Finance	Attainment ▾	Benchmarking ▾	Attendance
<p><b>212</b></p> <p>Number of pupils on roll</p> <p style="font-size: small;">Year: 2013</p>	<p><b>24.5%</b></p> <p>Free school meals (FSM) - 3 year average</p> <p style="font-size: small;">Year: 2013</p>	<p><b>21.3</b></p> <p>Pupil Teacher Ratio (PTR)</p> <p style="font-size: small;">Year: 2013</p>	<p><b>92.1%</b></p> <p>% Attendance during the year</p> <p style="font-size: small;">Year: 2013</p>	<p><b>£3,261</b></p> <p>School budget per pupil</p> <p style="font-size: small;">Year: 2014</p>	<p><b>70.7%</b></p> <p>Pupils achieving the expected level in the core subjects at Key Stage 2</p> <p style="font-size: small;">Year: 2013</p>	

## Brynhyfyd Infants School

### ● Pupils achieving the expected outcome in the Foundation Phase areas of learning

Represents the percentage of pupils achieving at least outcome 5 in "Personal and social development, well-being and cultural diversity", "Language, literacy and communication skills - English" / "Language, literacy and communication skills - Welsh" and "Mathematical development" in combination.

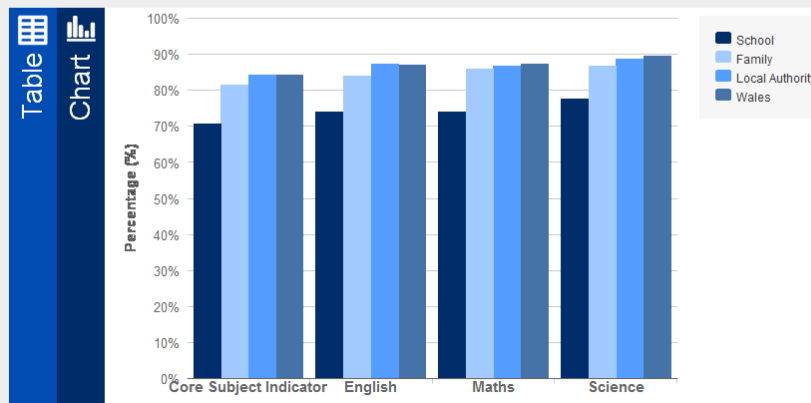


## Brynhyfyd Junior School

### Key Stage 2 (Year 6)

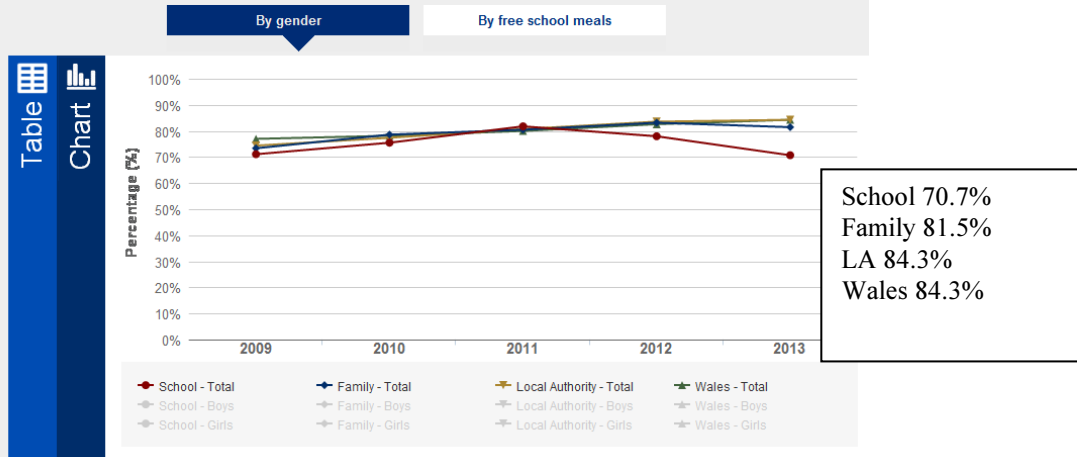
#### ● % Pupils who have reached the expected level, 2013

Represents the percentage of pupils achieving at least level 4 by subject



#### ● % Pupils who have reached the expected level - Core subject indicator

Represents the percentage of pupils achieving at least level 4 in English or Welsh (first language), mathematics and science in combination.



Benchmarking compares the performance of one school against others who have similar levels of pupils with free school meals (FSM). FSM is regarded as the main indicator of social deprivation in schools. This allows a comparison of the performance of a school against others who are in the same FSM category, and who might therefore have a similar intake of pupils from deprived backgrounds. For the purposes of these charts, schools have been grouped together with other schools that have similar levels of free school meals. For example:

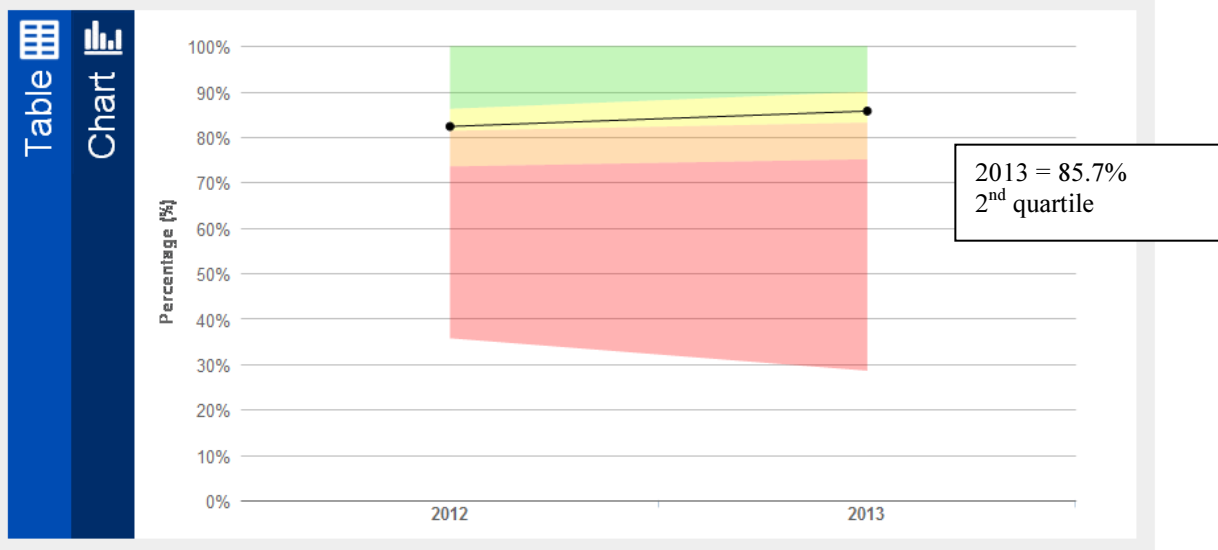
The **green section** represents the highest performing 25% of schools with similar levels of free school meals to this school. Therefore if the data point for this school is in the green area, its attainment levels are higher than many other schools with similar levels of pupils from deprived backgrounds.

The **red section** represents the lowest performing 25% of schools with similar levels of free school meals to this school. Therefore if the data point for this school is in the red area, its attainment levels are lower than many other schools with similar levels of pupils from deprived backgrounds.

### Brynhyfyd Infants School

#### • Pupils achieving the expected outcome in the Foundation Phase areas of learning

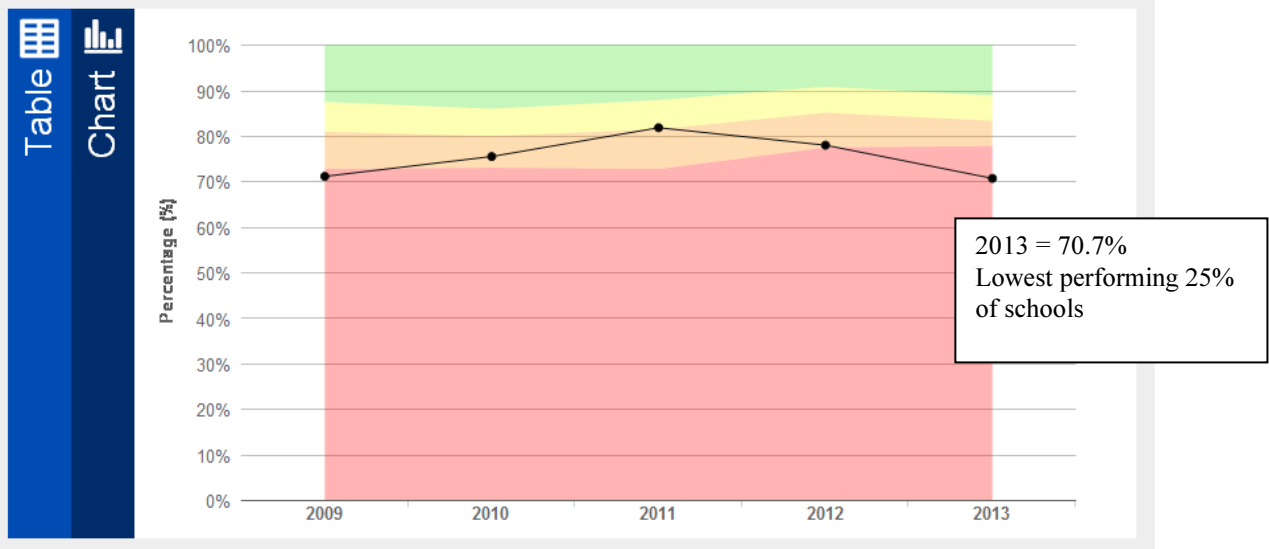
Represents the percentage of pupils achieving at least outcome 5 in "Personal and social development, well-being and cultural diversity", "Language, literacy and communication skills - English" / "Language, literacy and communication skills - Welsh" and "Mathematical development" in combination.



### Brynhyfyd Junior School

#### • % Pupils who have reached the expected level - Core subject indicator

Represents the percentage of pupils achieving at least level 4 in English or Welsh (first language), mathematics and science in combination.





## Financial Information

(Figures exclude any pupil roll change)

Implement Proposal  
Sep-15

Revenue	Financial Year					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Budget Shares:</b>						
Bryhyfryd Infant	£748,515	£320,480	£0	£0	£0	£0
Bryhyfryd Junior	£699,546	£285,803	£0	£0	£0	£0
New Primary School (1)	£0	£810,998	£1,385,959	£1,370,001	£1,354,044	£1,347,501
<b>Total</b>	<b>£1,448,061</b>	<b>£1,417,281</b>	<b>£1,385,959</b>	<b>£1,370,001</b>	<b>£1,354,044</b>	<b>£1,347,501</b>
<b>Admin of Proposal:</b>						
Public Notices (2)	£0	£0	£0	£0	£0	£0
Pre Appointment of Head (if necessary)	£0	£27,760	£0	£0	£0	£0
Clerk to Governors (3)	£0	£0	£0	£0	£0	£0
Advertisement Costs for Head (4)	£0	£0	£0	£0	£0	£0
Advertisement Costs for Deputy (4)	£0	£0	£0	£0	£0	£0
<b>Transitional costs (5)</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>
<b>Transport:</b>						
Current	£0	£0	£0	£0	£0	£0
Estimated new costs	£0	£0	£0	£0	£0	£0
<b>Redundancy/ER Costs (Estimated):</b>						
Teaching - One-off	£0	£59,268	£0	£0	£0	£0
Teaching - Ongoing	£0	£0	£1,593	£1,593	£1,593	£1,593
Support Staff - One-off	£0	£25,109				
Support Staff - Ongoing	£0	£0	£9,000	£9,000	£9,000	£9,000
<b>Total Revenue</b>	<b>£1,448,061</b>	<b>£1,529,418</b>	<b>£1,396,552</b>	<b>£1,380,594</b>	<b>£1,364,637</b>	<b>£1,358,094</b>
Difference from previous year		£81,357	-£132,866	-£15,958	-£15,957	-£6,543
Cumulative Difference		£81,357	-£51,509	-£67,467	-£83,424	-£89,967

Capital	Financial Year					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Bryhyfryd Infant	£0	£0	£0	£0	£0	£0
Bryhyfryd Junior	£0	£0	£0	£0	£0	£0
<b>Total Capital</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>

### Notes:

(1) Assumes no additional teaching protections will apply at new school, although there potentially could be protected DH that would be funded from within the ISB

(1) Assumes all preferred placement pupils will move to new school

(1) New School Funding will apply and is included

(1) Budget Shares assume rateable values unchanged

(2) Public Notices no longer need to be published in the local press. There will be some printing costs but these will be minimal.

(3) Staff from Pupil Governor Unit would undertake this role for temp governing body

(4) If required - Governors can agree to ringfence posts to existing Heads/Deputies and not go to advert

(5) e.g. telephones, stationary etc. To be funded from New School Funding delegated to school

## Comparative Information

Delegated School Budget Share 2014/2015:

Bryhyfryd Infants -	£748,515
Bryhyfryd Juniors -	£699,546
<b>Total Infant + Junior -</b>	<b>£1,448,061</b>

Estimated Budget Share 2014/15 for Combined School:

New Primary School -	£1,347,501
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NB. Schools that are amalgamated are given an additional entitlement in the budget share as follows:

1<sup>st</sup> Academic year - an amount equating to the salary of 1 teacher

2<sup>nd</sup> Academic year - an amount equating to the salary of 2/3 of a teacher

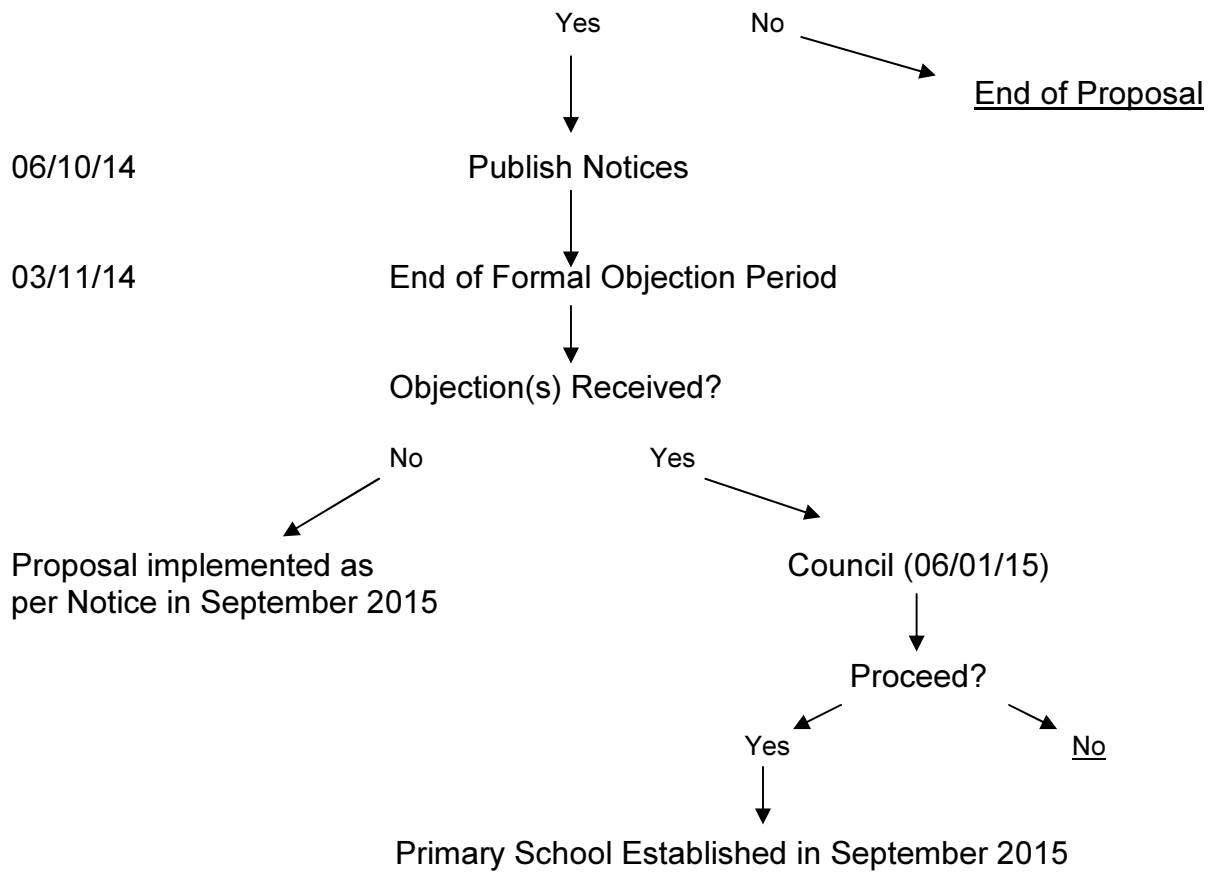
3<sup>rd</sup> Academic year - an amount equating to the salary of 1/3 of a teacher

This amount will be **additional** to the estimated 2014/15 formula generated budget share shown above. Note that, although based on a teacher's salary, this New School Funding should be used for premises and other transitional costs.

**Please note that this primary budget is a broad estimate only and is based on 2014/15 pupil numbers and other information that will need to be updated if the proposal is accepted for September 2015.**

**Timetable**

20/05/14	Consultation letters circulated
04/06/14	Consultation meetings for Pupils, Parents, Staff & Governors of Brynhyfryd Infant and Junior School
30/06/14	Closing date for views on proposal to be received by Education Department. Consultation report produced.
23/09/14	Cabinet decide whether to publish statutory notices





## Response Form

### Proposal to Amalgamate Brynhyfryd Infant and Junior Schools

Please note that under the Freedom of Information Act any responses received can be requested and may have to be made public. All views received in writing during the consultation and any subsequent objection period will be forwarded to Councillors that participate in the Cabinet meetings. Correspondence will also be recorded and acknowledged.

Please send in your response by **no later than 30th June 2014**

If you would like us to acknowledge receipt of your response, please provide your email details or address on the form below.

1. Are you in favour of the proposal?

Yes	
No	

2. Please indicate if you are responding as:

Pupil	Parent/ Carer	Member of Staff	Governor	Community Member	Other (please indicate)

3. Comments on the proposal (positive and negative) – please continue overleaf if required

4. Your name: \_\_\_\_\_

5. If you would like to receive an acknowledgement of receipt please provide your email or address below:

6. Please indicate if you would like to receive notification of when the consultation report is published using the email/address in 4 above.

Yes	
No	

Please return to:

Kelly Small, Education Department, Civic Centre, Swansea SA1 3SN.

Visit our website and complete the survey by going to  
[www.swansea.gov.uk/brynhyfrydresponse](http://www.swansea.gov.uk/brynhyfrydresponse)

Alternatively you can fax the completed form to 01792 636553 or scan and send to  
[kelly.small@swansea.gov.uk](mailto:kelly.small@swansea.gov.uk)

## BRYNHYFRYD INFANT AND JUNIOR SCHOOLS

### PROPOSAL TO AMALGAMATE THE SCHOOLS INTO AN ALL-THROUGH PRIMARY FROM 1ST SEPTEMBER 2015

#### CONSULTATION PAPER FOR PUPILS

##### What does the Council want to do?

- Amalgamate Brynhyfryd Infant and Junior Schools
- Amalgamate means that Brynhyfryd Infant and Junior schools would become one school called a Primary School instead of two separate schools
- To do this we have to say we are closing Brynhyfryd Infant and Juniors and then opening a new Primary school but it will be for the same children and using the same school buildings

##### Why close both schools and open a primary school instead?

- These are the last separate infant and junior schools left in Swansea. All of the others have been made into primary schools already
- Things that are bought can be shared by the infants and juniors
- In bigger schools there are more teachers who all have different skills, there is more equipment to share and there are more children to take part in sports, clubs and other activities
- Some Deputy Headteachers have left the schools and the Headteacher of the Junior school will retire in August

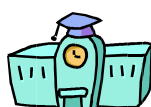
##### What does this mean for children?

- The change would take place in September next year (2015). So children in Years 5 and 6 now would not see any change. Only children who are in Year 4 or below at the moment will become part of the new primary school
- Children would start at the school in nursery and be part of the same school until they go to comprehensive school
- The same buildings would be used for the new school
- Children could move between the school buildings a bit more than they do now
- There will only be one Headteacher for the school
- Teachers will still teach the same subjects to pupils
- The school would have a new name
- Children would need to have a new school uniform

##### Did you know?

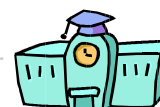
The UNCRC (United Nations Convention on the Rights of The Child) is a worldwide agreement that says all children and young people have rights. Article 12 of the UNCRC says that children and young people have a right to have their voice heard and listened to in decisions that affect their life. We think this should include decisions about your school.

Brynhyfryd Infant + Brynhyfryd Junior



=

New Primary School



### What does this mean for teachers and other people working at the school?

- Most would get a job in the new primary school
- Some may retire or get a job somewhere else

### What will happen to the school buildings?

- The new school will use the same buildings as the infant and junior schools do now
- The buildings do not need to change

### What happens next?

- Councillors will meet in September to find out what people said during the consultation period. They will then decide whether to go to the next stage of the proposal
- If they decide to go ahead, the next stage is called the 'Statutory Notice' period. A notice will be sent to your parents/carers and a copy will be put up in the school and local library. The notice will explain what the proposal is about and what people can do if they do not want the Infants and Juniors to become a Primary
- If anyone says that they do not like the proposal then Councillors will meet in January 2015 to talk about what people have said and decide what to do next
- The earliest date that the new primary school would open is 1<sup>st</sup> September 2015

### How can children say what they think of the idea?

- You can fill in the slip below and give it to your teacher
- Children can write in to the Council by 30<sup>th</sup> June 2014 to make their views known

Write to:

Miss Kelly Small, Education Department, Civic Centre, Swansea SA1 3SN  
or e-mail [kelly.small@swansea.gov.uk](mailto:kelly.small@swansea.gov.uk)

- People who work for the Education Department will meet with the school councils of both schools on Wednesday 4<sup>th</sup> June 2014

---

The idea of making Brynhyfryd Infant and Junior Schools into a new Primary makes me feel: \_\_\_\_\_  
(please colour in)

J

K

L

because \_\_\_\_\_

---

Name \_\_\_\_\_ Year \_\_\_\_\_



**CITY AND COUNTY OF SWANSEA**

**DINAS A SIR ABERTAWE**

To Parents/Carers, Staff and Governors at  
Brynhyfyrd Infant and Junior schools

*Please ask for:  
Gofynnwch am:*

**Ms. Kelly Small**

*Direct Line:  
Llinell Uniongyrchol:*

**636686**

*E-Mail:  
E-Bost:*

[kelly.small@swansea.gov.uk](mailto:kelly.small@swansea.gov.uk)

*Our Ref:  
Ein Cyf:*

**SF&I/KAS**

*Your Ref:  
Eich Cyf:*

*Date:  
Dyddiad:*

**26<sup>th</sup> June 2014**

Dear Sir/Madam,

**Proposed School Reorganisation**

I would like to remind you that the consultation period for the proposal to amalgamate the Infant and Junior schools at Brynhyfyrd closes on Monday 30<sup>th</sup> June 2014. Details on how to make your views known have been provided in the consultation paper and are also available at [www.swansea.gov.uk/brynhyfyrdresponse](http://www.swansea.gov.uk/brynhyfyrdresponse)

I have attached some additional information regarding the proposal that covers questions that have been raised to date during the consultation period. I hope you find this helpful.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,

Kelly Small (Ms)  
School Funding & Information Manager

**EDUCATION DIRECTORATE / CYFARWYDDIAETH ADDYSG**

CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA SA1 3SN  
NEUADD Y SIR, FFORDD YSTUMLLWYNARTH, ABERTAWE, SA1 3SN

(01792) 636000 (01792) 636642

\* [education.department@swansea.gov.uk](mailto:education.department@swansea.gov.uk) <http://www.swansea.gov.uk>

To receive this information in an alternative format please contact Education Support 637400

I dderbyn y wybodaeth hon mewn fformat arall, cysylltwch â Chefnogi Addysg ar 637400

## Staffing

1. Do the Headteacher and Deputy Headteacher posts for the new Primary School have to be advertised?

*Legislation allows a new temporary Governing Body to decide if they go to national advert for these posts or ask for expressions of interest from the existing Head and Deputy Head teachers. However as neither of the Brynhyfryd schools has a Deputy Headteacher in a substantive post then they would have to advertise the Deputy Headteacher post nationally.*

2. Will teachers with TLRs (Teaching and Learning Responsibilities/Payments) keep them in the new Primary School?

*The new Headteacher and temporary Governing Body will decide on a staffing structure for the new school including the number of TLR posts and levels and responsibilities attached to such posts. It will be a recommendation to the Governors that all teaching posts are ring fenced for teachers in the Infant and Junior schools. Filling the posts could involve a matching and slotting exercise, interviews and/or other selection methods. If staff that currently hold a TLR post are unsuccessful in obtaining a TLR post in the new school, then their TLR payment will be safeguarded for up to 3 years in accordance with the School Teachers Pay and Conditions Document (and they could be asked to undertake responsibilities to this level during the period of safeguarding).*

## Alternative Options to Closure/Amalgamation of Both Schools

3. Were there any other options other than close both schools and open a new primary school?

*There were alternative options that could have been considered. For example one of the schools could have been closed and the age range of the other school could have been extended (using the same statutory process as a school amalgamation) to cover an age range of 3-11, the name of that school would need to be changed to a primary school, the governing body would need to be reviewed as it would be a larger school and additional staff would need to be appointed. We have always closed both Infant and Junior Schools in the past to ensure equity for all staff. Another option could have been federation of schools but this would not support the all-through primary view and the Council did not have the legal powers to propose federation at the time that this proposal emerged.*

4. Could the schools have remained as separate infant and juniors?

*Brynhyfryd Infant and Junior Schools are the last infant and juniors in Swansea. All of the other previous infants and juniors are now all-through primary schools in line with the Council's philosophy on primary education. The advantages of all-through primary provision have been given in the consultation paper. Creating a new primary school will give new opportunities for the schools.*

## Process

5. If comments are made during the consultation period do they have to be resubmitted when the Statutory Notice is published?

*Yes, if you wish to raise a formal objection under the Statutory Notice period you would have to write in again between 6<sup>th</sup> October and 3<sup>rd</sup> November. Details of how you do this will be given in the Notice that will be issued to parents, staff and other interested parties on 6<sup>th</sup> October 2014.*

## Buildings

6. Will there be any change to the current school buildings?

*No, all buildings will remain the same and no part of the site will be sold off to generate capital receipts. There is no change to any walking route to school.*



### Consultation Responses on the Proposal to Amalgamate Brynhyfyrd Infant & Junior Schools on Existing Sites

Number of consultation responses received:

106

		Support Proposal/Happy	77	
		Against Proposal/Unhappy	13	
		Undecided	16	
		<i>Responses from:</i>		
		Pupil	101	
		Parent/Carer	4	
		Member of Staff	0	
		Governor	1	
		Community Member	0	
		Other	0	
	Point Raised	LA Response	Number of Written Responses Raising Point	% of Responses Raising Point
1	Pupils will be able to make new friends and see younger/older pupils/siblings.	Movement of pupils between sites would be coordinated by the new headteacher/staff.	44	42%
2	Like idea of Primary School.	Agreed.	13	12%
3	Should stay as separate Infant & Junior Schools.	This is not in keeping with the Policy in Swansea Council. All other Infant and Junior schools in Swansea have amalgamated into primary schools.	8	8%
4	Right time to amalgamate with Junior HT retiring. Have positive impact of unity of school as a whole, teachers, governors, pupils.	There were a number of senior leadership staff vacancies in both schools.	7	7%
5	Primary would have same start/finish times, Inset Days and holidays. Suggestion to have different earlier finish time than at present.	Yes, a primary school would have a common INSET day instead of separate days for Infants and Juniors. School start and end times can be considered by the Temporary Governing Body.	4	4%
6	Only School not a Primary in Swansea. Primary is better for the teachers and children.	Agree.	4	4%
7	Not sure about the proposal/feel shy/think I may not see my friends and teachers	Friends will still be at the school, as should the majority of teachers. There will be more flexibility to carry on seeing teachers right through the primary years.	4	4%
8	Will be happy to have a new uniform.	This will be considered by the Temporary Governing Body, and pupils, staff and parents are usually included in discussions about the colour, badge etc.	3	3%
9	The school will be too big.	The size of the new School will be no bigger than many other Swansea schools.	3	3%
10	Concerned about a uniform change costly for parents.	The Temporary Governing Body will be encouraged to agree to implement a phased approach to adopting the new uniform to enable parents the opportunity to spread costs.	2	2%
11	School has a very good reputation.	School reputation can continue as a new Primary School.	2	2%

12	Leaving this year so won't be affected by change.	Yes, the change will not affect pupils currently in Year 6.	2	2%
13	Will not have to apply for pupil to attend Junior School.	Agree, there is a smoother transition to Year 3 as no separate application is necessary within a primary school setting.	1	1%
14	Want to have Miss Richards (the current Infant Headteacher) as Headteacher.	The Temporary Governing Body will be responsible for the appointment of the Headteacher for the primary school. Miss Richards will be able to apply for	1	1%
15	Learning different things.	The same subjects will be taught but there could be staff that are currently at the other site that are experts in certain areas, and this knowledge can be shared.	1	1%
16	Can see teachers for longer in a Primary School.	Agree.	1	1%
17	Don't want a new teacher.	At the start of a new academic year most pupils will have a new teacher. A new Primary School will require changes of teacher in the same way the infant and junior schools presently do.	1	1%
18	I don't want to grow up.	Noted.	1	1%
19	The older children may be nasty and shout.	The Primary School would continue to operate on two sites so infant pupils will only come into contact with junior pupils during pre-arranged activities, supervised by staff.	1	1%
20	I can change my group.	Noted.	1	1%
21	Concerns about teaching methods being different in Infant and Junior	A primary school setting will facilitate the opportunity for the curriculum to be better aligned and this will help to streamline teaching methods.	1	1%

A response was also received from Estyn on 28th July 2014.

**Conclusion - to propose the publication of a Statutory Notice to amalgamate Brynhyfryd Infant and Junior Schools**

## **Estyn response to the proposal to establish a new primary school from the closure of Brynhyfryd Infant and Junior schools.**

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer.

### **Introduction**

This consultation proposal is from Swansea County Council.

The proposal is to establish a new primary school from the closure of Brynhyfryd Infant and Junior schools with the new school operating on the same sites and using the same buildings.

### **Summary/ Conclusion**

#### **Are the proposals likely to maintain or improve the standard of education provision in the area?**

Based on the fact that the new school is an amalgamation of two existing schools and will remain on the same sites, it is likely that the proposed action will maintain the standards of education in the area.

#### **What effect do the proposals have on other schools and educational institutions in the area?**

As the proposal is to create a new school by 'amalgamating' Brynhyfryd Infant and Brynhyfryd Junior schools, no other schools or educational institutions are involved. It would appear that there would be no effect on any other school or educational institutions in the area.

### **Description and benefits**

#### **How well has the proposer:**

- **Given a clear rationale for the proposals and set out clearly and fairly the expected benefits and disadvantages when compared with the status quo?**

The local authority has given a clear rationale of the expected benefits when compared with the status quo as outlined in the report. The report identifies clearly that: 'the school would continue to be based over two separate sites. It is not anticipated that pupils would need to move between sites to any great extent during a normal school day and it is likely that the school will continue to operate as an infant site, a junior site and a nursery unit.' This appears to detract from many of the perceived benefits of 'amalgamation', which focus around shared practices. Also, it is not made clear why many of these benefits could not be accomplished by a closer working partnership between the two schools.

- **Managed any risks associated with the proposals?**

The proposer has provided no risk and counter measure study.

Both current schools provide a breakfast club facility. The proposer envisages that 'breakfast club provision will continue. The breakfast club may only be provided on one site if the proposal was accepted.' It has not outlined issues that may arise from this arrangement, such as how pupils will move safely from one site to the other.

Brynhyfryd Junior school provides parent/community classes. In its community impact assessment, the proposal provides no clear information on their continuation, other than 'it is envisaged that groups could continue to use the school premises.'

- **Considered suitable alternatives and given good reasons as to why these have been discounted?**

The local authority has provided appropriate supplementary evidence that it has considered alternatives to this current proposal.

- **Considered the impact of the changes on learner travel arrangements and on accessibility of provision.**

As the proposal involves only those pupils in the two 'amalgamating' schools, there would appear to be no impact on learner travel arrangements. The local authority confirms that transport would continue to be provided for any pupils that met agreed criteria i.e. those living more than 2 miles from their catchment area school or where there was no available walking route to school.

- **Effectively show how surplus places will be affected? If surplus places will be increased, does the proposer give adequate reasons for this?**

The current proposal appears to create no new nursery or school places. Based on the figures provided by the local authority, the current infant school will be at full capacity from September 2016 and the current junior school will have a very few unfilled places from September 2015. The proposer does not address these issues in the proposal. The proposer has provided no figures on expected nursery numbers beyond January 2014. It is therefore not possible to assess the impact of these pupils on the proposed new school.

- **Where relevant, taken sufficient account of the impact of the proposals on Welsh medium provision within the local authority?**

Neither the proposed new school, nor the current separate schools provide education through the medium of Welsh, except where Welsh is taught as a second language. There would therefore appear to be no impact on the Welsh language arising from this proposal.

### **Educational aspects of the proposal**

- **Considered the impact of the proposals on the quality of the outcomes, provision and leadership and management?**

The local authority has provided no analysis of the impact of the proposals on the quality of the outcomes, provision and leadership and management. A synopsis of the last the Estyn reports of both schools along with a screenshot of information from the 'my local school' website is included.

Statements in the Equalities Impact Assessment relate to outcomes and/or provision. For example:

'Having one school with one ethos and one philosophy will:

- Improve attainment and pupil wellbeing;
- Raise Standards and pupil wellbeing;
- Increased opportunities for FSM learners; and
- Improved "all round" learner experience'

However, the proposer gives no evidence to back these assertions.

The proposal also makes the statement that: 'Brynhyfryd Infant School is a 3-7 school and Brynhyfryd Junior School is a 8-11 school. This project will have a positive impact on the Education of all 3-11 year olds who attend the new primary school if the proposal goes ahead.'

However, there is no evidence to support this statement.

The local authority has given no up-to-date analysis of recent pupil outcomes from either school mentioned in the proposal. It is therefore not possible to make a valid assessment of the impact of the proposal on outcomes for pupils.

- **How well has the proposer considered the likely impact of the proposals to ensure delivery of the full curriculum at the Foundation Phase and at each key stage?**

The local authority has provided little information in its proposal on the delivery of the full curriculum at the Foundation Phase and at key stage 2. However, as both schools are well-established, it would seem likely that the new school would provide the full curriculum at Foundation Phase and key stage 2

**How well has the proposer considered the impact of the proposals on vulnerable groups, including children with Special Educational Needs?**

The proposer has undertaken an 'Equalities Impact Assessment'; however, this provides little information on the impact of the proposal on pupils with Special Educational Needs.

The proposal list the number of pupils in each school at different levels of additional need, but does not say how the proposal will affect their education.

In addition, a statement is included in the proposal that: 'All the needs of pupils with disabilities are considered by the schools as part of the accessibility planning of the school, thus ensuring all pupils have full access to the curriculum.' However, no information is provided as to how this will be accomplished.

- **How well has the proposer ensured that the disruption to learners is minimised?**

This proposal recognises that 'amalgamating two schools into one will inevitably cause some disruption and uncertainty for a period of time.' Insufficient evidence is provided as to how this will be minimised for learners apart from the statement that: 'experience shows that this can be kept to a minimum and that the children's education does not suffer'.

## Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the 'Equality Impact Assessment Guidance' while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Education Planning and Resources
Directorate: People

**(a) This EIA is being completed for a...**

Service/ Function <input type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input checked="" type="checkbox"/>
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**(b) Please name and describe below...**

### **Amalgamation of Brynhyfryd Infant and Junior schools in September 2015**

It is proposed that Brynhyfryd Infant and Junior schools will both close in August 2015 and a new Primary School will open on the existing sites in September 2015.

**(c) It was initially screened for relevance to Equality and Diversity on 06/01/2014.**

**(d) It was found to be relevant to...**

Age ..... <input checked="" type="checkbox"/>	Sex ..... <input type="checkbox"/>
Disability ..... <input checked="" type="checkbox"/>	Sexual orientation ..... <input type="checkbox"/>
Gender reassignment ..... <input type="checkbox"/>	Welsh language ..... <input checked="" type="checkbox"/>
Marriage & civil partnership ..... <input type="checkbox"/>	Poverty/social exclusion ..... <input checked="" type="checkbox"/>
Pregnancy and maternity ..... <input type="checkbox"/>	Carers ..... <input type="checkbox"/>
Race ..... <input type="checkbox"/>	Community cohesion ..... <input checked="" type="checkbox"/>
Religion or (non-)belief ..... <input type="checkbox"/>	

**(e) Lead Officer**

**Name:** Rhodri Jones

**Job title** Stakeholder and Comms Manager

**Date (dd/mm/yyyy):** 05/09/2014

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date (dd/mm/yyyy):** 08/09/2014

## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

### What are the aims?

Provide an all-through primary school that will replace the current Brynhyfryd Infant and Brynhyfryd Junior schools.

### Who has responsibility?

Cabinet Member for Learning and Skills  
 Chief Education Officer  
 Head of Education Planning and Resources  
 QEd Programme Manager

### Who are the stakeholders?

Audience	Methods
Parents	Letter, local media, twitter, Facebook, CCS website
Governors	Face to face briefing, letter
Head and Management Team	Face to face briefing
Pupils	Face to face school visits, letter, twitter, Facebook, other social networking
CMT	Face to face briefing, newsletter, email
Cabinet	Face to face briefing, newsletter, email
Group Leaders	Face to face briefing, newsletter, email
Ward Members	Email, phone call
Trade Unions	Face to face briefing, email
Evening Post	Face to face briefing, press release
WG	Letter, local media, email
AMs	letter, email
MPs	letter, email
School staff	Face to face, letter, Newsletter, local media, twitter, Facebook, CCS website
Swansea Bay Radio, Wave/Swansea Sound, BBC, ITV, Western Mail, TES,	Press release
Education SMT/DMT	email, newsletter, face to face
Catering and cleaning staff	letter, face to face
Community groups	Letter and liaison with Regeneration, CCS website
All Council staff	Staffnet
Swansea residents	Local media, CCS website, twitter, facebook
Local businesses	Local media, CCS website
Bus operators	Email from Education/Transport
Taxi operators	Email from Education/Transport



## Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/evidence of how this information is collected.

Age .....	<input checked="" type="checkbox"/>	Race .....	<input checked="" type="checkbox"/>
Disability .....	<input checked="" type="checkbox"/>	Religion or (non-)belief .....	<input checked="" type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<input checked="" type="checkbox"/>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input checked="" type="checkbox"/>
Carers .....	<input type="checkbox"/>		

### What information do you know about your service users and how is this information collected?

Pupil information – SIMS which is linked with the Authority’s ‘One’ system which gives more detailed information about pupils with ALN and SEN needs. This is managed by the LEA to ensure that the needs are met of all pupils in all schools within the City & County of Swansea.

General information about schools is collected in January every year as part of the National Census (PLASC).

The PLASC 2013 data told us the following:

#### Free School Meals

	NCY	Non-FSM	FSM	Total	%FSM
<b>Brynhyfryd Infant School</b>					
	N1	18	0	18	0.0%
	N2	56	0	56	0.0%
	R	48	12	60	20.0%
	1	46	12	58	20.7%
	2	46	10	56	17.9%
<b>Brynhyfryd Junior School</b>					
	3	40	14	54	25.9%
	4	39	14	53	26.4%
	5	35	13	48	27.1%
	6	45	12	57	21.1%

## Ethnic Background

Ethnic background	Brynhyfryd Infant School					Brynhyfryd Junior School			
	N1	N2	R	1	2	3	4	5	6
Asian	0.0%	5.4%	1.7%	0.0%	5.4%	3.7%	3.8%	4.2%	1.8%
Black	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chinese	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mixed	0.0%	3.6%	0.0%	3.4%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	1.8%	0.0%	0.0%	1.8%	0.0%	3.8%	0.0%	1.8%
White other	0.0%	0.0%	1.7%	0.0%	1.8%	0.0%	1.9%	0.0%	0.0%
<b>White British</b>		<b>89.3%</b>	<b>96.6%</b>	<b>96.6%</b>	<b>91.1%</b>	<b>96.3%</b>	<b>90.6%</b>	<b>95.8%</b>	<b>96.5%</b>
<b>Not White British*</b>	<b>0.0%</b>	<b>10.7%</b>	<b>3.4%</b>	<b>3.4%</b>	<b>8.9%</b>	<b>3.7%</b>	<b>9.4%</b>	<b>4.2%</b>	<b>3.5%</b>

## Special Educational Needs

NCY	No SEN	School Action	School Action Plus	Statement	Total	% A/P	% Statement	% SEN
<b>Brynhyfryd Infant School</b>								
N1	18	0	0	0	18	0.0%	0.0%	<b>0.0%</b>
N2	51	2	2	1	56	7.1%	1.8%	<b>8.9%</b>
R	42	10	6	2	60	26.7%	3.3%	<b>30.0%</b>
1	29	19	8	2	58	46.6%	3.4%	<b>50.0%</b>
2	31	18	7	0	56	44.6%	0.0%	<b>44.6%</b>
<b>Brynhyfryd Junior School</b>								
3	34	11	8	1	54	35.2%	1.9%	<b>37.0%</b>
4	33	9	10	1	53	35.8%	1.9%	<b>37.7%</b>
5	29	10	7	2	48	35.4%	4.2%	<b>39.6%</b>
6	37	10	9	1	57	33.3%	1.8%	<b>35.1%</b>

All the needs of pupils with disabilities are considered by the schools as part of the accessibility planning of the school, thus ensuring all pupils have full access to the curriculum.

Demographic information is maintained by the Authority as a result of the Census data and a summary is below:

The infant school sits in the Cwmbwrla Ward and the junior school is in the Landore Ward:

#### Cwmbwrla

Population Characteristics	Cwmbwrla	Cwmbwrla %	Swansea %
<b>People:</b> born in Wales	7,107	89.1	77.7
born outside UK	308	3.9	7.2
in non-white ethnic groups	264	3.3	6.0
with long-term health problem or disability	1,828	22.9	23.3
with no qualifications (aged 16+)	1,971	30.7	23.9
with higher level qualifications (aged 16+)	1,056	16.4	25.8
able to speak Welsh (aged 3+)	517	6.7	11.5

#### Landore

Population Characteristics	Landore	Landore %	Swansea %
<b>People:</b> born in Wales	5,155	83.6	77.7
born outside UK	468	7.6	7.2
in non-white ethnic groups	565	9.2	6.0
with long-term health problem or disability	1,503	24.4	23.3
with no qualifications (aged 16+)	1,667	33.5	23.9
with higher level qualifications (aged 16+)	631	12.7	25.8
able to speak Welsh (aged 3+)	369	6.3	11.4

**Any Actions Required?**

- 
- 

**Section 3 - Impact on Protected Characteristics (See guidance):**

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	➔ <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case?**

Age – Brynhyfryd Infant School is a 3-7 school and Brynhyfryd Junior School is a 8-11 school. This project will have a positive impact on the Education of all 3-11 year olds who attend the new primary school if the proposal goes ahead. There are numerous positives including:

- Parents only have to contact a single headteacher, governing body and staff
- A shared ethos and philosophy
- A single set of policies and code of behaviour
- One programme of study and system developed across the school
- Coherent continuity of education provision for pupils
- More effective transition from Foundation forwards to Key Stage 2
- Greater opportunities for staff continuing professional development and understanding of child development
- A single school can provide continuity of the curriculum for pupils from 3 to 11 years old
- There are benefits for the whole school community, for example where older children can work with younger children
- A primary school would have a larger team of staff than either of the existing infant and junior schools, so could provide more flexibility in terms of covering all of the subjects in the curriculum. It can provide staff with more opportunities to develop their skills across the whole primary age range and can enable the best use to be made of staff expertise.
- The facilities previously available to two separate schools could be available to all pupils in a combined school
- Pupils would no longer have to apply to be admitted to the Junior School at Year 3, they would only have to apply once in future for admission to Reception.

Welsh – All public signage within the school will be bilingual.

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.**

Cabinet agreed at a meeting held on the 6<sup>th</sup> May 2014 that consultation should take place on a proposal to cease to maintain Brynhyfryd Infant and Brynhyfryd Junior Schools from 31<sup>st</sup> August 2015 and to establish a single all through Primary School from 1<sup>st</sup> September 2015, on the existing sites. Following this consultation period, Cabinet are now required to consider the responses received by the end of the consultation period and decide if the proposal should move to the next stage – the publishing of statutory notices inviting any formal objections to the proposal.

106 responses were received during the consultation period. 101 of these were from pupils, 4 were from parents/carers and 1 was from a school governor. 77 responses supported the proposal/were happy with the proposal, 16 were undecided and 13 were unhappy about the proposal. Estyn were also required to comment on the proposal under the new School Organisation Code. Copies of all correspondence received has been made available to Cabinet members. Consultation meetings were held with pupils, parents, staff

and governors. Notes of these meetings have been made available to Cabinet members.

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).**

- A concern was raised during the consultation about the cost of a new school uniform - the Temporary Governing Body will be encouraged to agree to implement a phased approach to adopting the new uniform to enable parents the opportunity to spread costs
-

## Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

(Please see guidance for definitions on the above)

Please explain any possible impact on each of the above.

Impact on...
<b>Foster good relations between different groups</b>
There are benefits for the whole school community, for example where older children can work with younger children
<b>Advance equality of opportunity between different groups</b>
A primary school has a larger team of staff that can provide more flexibility in terms of covering all the subjects in the curriculum. It can provide staff with more opportunities to develop their skills across the whole primary age range and can enable the best use to be made of staff expertise.
<b>Elimination of discrimination, harassment and victimisation</b>
<ul style="list-style-type: none"> <li>• A shared ethos and philosophy</li> </ul>
<b>Reduction of social exclusion and poverty</b>
Having one school with one ethos and one philosophy will: <ul style="list-style-type: none"> <li>• Improve attainment and pupil wellbeing;</li> <li>• Raise Standards and pupil wellbeing</li> <li>• Increased opportunities for FSM learners</li> <li>• Improved “all round” learner experience</li> </ul>

**What work have you already done to improve any of the above?**

All primary, infant and junior schools deal with all the above on a daily basis. The governing bodies and management team of the school work hard to ensure that all the above are addressed.

**Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?**

Parents and the community will only have to deal with a single headteacher, governing body and staff when they are liaising with the school. There will be one point of contact, one ethos and one philosophy.

**How will the initiative treat the Welsh language in the same way as the English language?**

All signage in the public areas of the new school, if the proposal goes ahead, will be bilingual.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- Ongoing stakeholder and community engagement
-

## Section 5 - Monitoring arrangements:

Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:

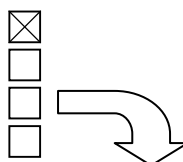
**Monitoring arrangements:** All projects within the Quality in Education (QEd) 2020 Programme have a clear monitoring process in place. Regular progress meetings are held with the school and if approved a formal Project Board will be held monthly to discuss key issues and make key decisions, any issues can then be escalated to the QEd Programme Board with the Strategic Programme Board (Corporate) having an overarching view of all City & County of Swansea projects.

**Actions:**

## Section 6 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...  
Outcome 2: Adjust the initiative...  
Outcome 3: Justify the initiative...  
Outcome 4: Stop and remove the initiative...



For outcome 3, detail the justification for proceeding here:

## Section 7 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.



## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Consider concerns raised about the cost of a new school uniform	Temporary Governing Body	Following the statutory notice period if the proposal goes ahead	Parents will be pleased with the process for acquiring a new school uniform (if required)	
Ongoing Stakeholder and Community engagement	Project Manager	Ongoing	Stakeholder views will shape the proposal going forward	
Page 159				

**Amalgamate Brynhyfyrd Infants and Juniors  
(on existing sites)**

(Figures exclude any pupil roll change)

Implement Proposal  
Sep-15

Revenue	Financial Year					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Budget Shares:</b>						
Brynhyfyrd Infant	£748,515	£320,480	£0	£0	£0	£0
Brynhyfyrd Junior	£699,546	£285,803	£0	£0	£0	£0
New Primary School (1)	£0	£810,998	£1,385,959	£1,370,001	£1,354,044	£1,347,501
<b>Total</b>	<b>£1,448,061</b>	<b>£1,417,281</b>	<b>£1,385,959</b>	<b>£1,370,001</b>	<b>£1,354,044</b>	<b>£1,347,501</b>
<b>Admin of Proposal:</b>						
Public Notices (2)	£0	£0	£0	£0	£0	£0
Pre Appointment of Head (if necessary)	£0	£27,760	£0	£0	£0	£0
Clerk to Governors (3)	£0	£0	£0	£0	£0	£0
Advertisement Costs for Head (4)	£0	£0	£0	£0	£0	£0
Advertisement Costs for Deputy (4)	£0	£0	£0	£0	£0	£0
Transitional costs (5)	£0	£0	£0	£0	£0	£0
<b>Transport:</b>						
Current	£0	£0	£0	£0	£0	£0
Estimated new costs	£0	£0	£0	£0	£0	£0
<b>Redundancy/ER Costs (Estimated):</b>						
Teaching - One-off	£0	£59,268	£0	£0	£0	£0
Teaching - Ongoing	£0	£0	£1,593	£1,593	£1,593	£1,593
Support Staff - One-off	£0	£25,109				
Support Staff - Ongoing	£0	£0	£9,000	£9,000	£9,000	£9,000
<b>Total Revenue</b>	<b>£1,448,061</b>	<b>£1,529,418</b>	<b>£1,396,552</b>	<b>£1,380,594</b>	<b>£1,364,637</b>	<b>£1,358,094</b>
Difference from previous year		£81,357	-£132,866	-£15,958	-£15,957	-£6,543
Cumulative Difference		£81,357	-£51,509	-£67,467	-£83,424	-£89,967

Capital	Financial Year					
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Brynhyfyrd Infant	£0	£0	£0	£0	£0	£0
Brynhyfyrd Junior	£0	£0	£0	£0	£0	£0
<b>Total Capital</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>

## Notes:

- (1) Assumes no additional teaching protections will apply at new school, although there potentially could be protected DH that would be funded from within the ISB
- (1) Assumes all preferred placement pupils will move to new school
- (1) New School Funding will apply and is included
- (1) Budget Shares assume rateable values unchanged
- (2) Public Notices no longer need to be published in the local press. There will be some printing costs but these will be minimal.
- (3) Staff from Pupil Governor Unit would undertake this role for temp governing body
- (4) If required - Governors can agree to ringfence posts to existing Heads/Deputies and not go to advert
- (5) e.g. telephones, stationary etc. To be funded from New School Funding delegated to school

## Report of the Cabinet Member for Regeneration

Cabinet - 23 September 2014

### VIBRANT AND VIABLE PLACES (V&VP) FPR7 – HOMES ABOVE SHOPS

<b>Purpose:</b>	To approve the scheme and include the budget within the Capital Programme.
<b>Policy Framework:</b>	City Centre Strategic Framework.
<b>Reason for Decision:</b>	To comply with Financial Procedure Rule No.7 (Capital Programming and Appraisals) - to commit and authorise schemes as per the Capital Programme or to include new schemes in the Capital Programme.
<b>Consultation:</b>	Legal, Finance, Economic Regeneration and Planning, Housing, Access to Services.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Approve the scheme as described;  2) Commit the budget to the Capital Programme for 14/15 – 16/17.
<b>Report Author:</b>	Neil Ranft
<b>Finance Officer:</b>	Steve Mathews
<b>Legal Officer:</b>	Nigel Havard
<b>Access to Services Officer:</b>	Kirsty Roderick

## 1. Background

- 1.1 Welsh Government (WG) in a letter dated 17<sup>th</sup> June 2014 advised that £8.394m V&VP funding had been awarded to support the schedule of projects submitted to WG on behalf of the Swansea Economic Regeneration Partnership in March 2014. All of the successful schemes will be reported individually for Cabinet approval to comply with Financial Procedure Rule 7.

## **2. Homes Above Shops (HAS)**

- 2.1 A significant amount of floor space above retail premises is vacant or derelict and does not contribute to the vitality of the city centre. HAS is a grant scheme to private developers to support the conversion of vacant commercial floor space into new homes and will be used alongside Commercial Property Improvement grants and other initiatives to ensure comprehensive mixed use regeneration of properties. This will bring new tenants into the city centre including young professionals which will support the city centre economy and create a safer, more sustainable environment.
- 2.2 Grants are discretionary and will be targeted in the first instance at those schemes which meet the Council's regeneration priorities. Grants will be awarded on the basis of 50% of eligible project costs per unit created up to a maximum £20k per unit with a total grant available for individual schemes of £250k. Schemes will be required to provide social benefits from the investment in conjunction with the Council's Beyond Bricks and Mortar initiative. The Council will see to agree a percentage of nomination rights with successful applicants

## **3. Financial Implications**

- 3.1 Appendix A details the financial implications. The V&VP budget totals £1,084k over the 3 year funding period 2014/15 – 2016/17. This will generate a minimum £1,084k private sector match investment. V&VP funding must be defrayed in the year allocated or the funding will be lost. There is no provision for carry forward.
- 3.2 WG have confirmed that the Council can charge for their specialist expertise relating to VVP delivery and any associated costs, so long as rates have been market tested and that the VVP programme and outputs are delivered as defined in award letter.

## **4. Legal Implications**

- 4.1 The Council will need to comply with the terms and conditions attached to any grant funding. All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate.
- 4.2 All statutory consents will be the responsibility of the applicant.
- 4.3 Grant applicants must either be the freeholder or have a minimum 5 year leasehold interest remaining on the property. A legal charge will be placed on the property prior to grant funding being released and this will be the subject of a clawback requirement if the property is sold within a 5 year period based on a reducing sliding scale basis.

**5. Access to Services**

- 5.1 An initial Equalities Impact Assessment Screening has been undertaken and this indicates an Equalities Impact Assessment will be required to inform the development of scheme guidance.

**Background Papers:** None.

**Appendix:** Appendix A - Financial Summary.

## FINANCIAL IMPLICATIONS : SUMMARY

Portfolio: REGENERATION  
 Service : CITY CENTRE  
 Scheme : HOMES ABOVE SHOPS

<b><u>1. CAPITAL COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>TOTAL £'000</b>
<u>Expenditure</u>					
Capital works		568	800	800	2,168
<b>EXPENDITURE</b>		<b>568</b>	<b>800</b>	<b>800</b>	<b>2,168</b>
<u>Financing</u>					
WG V&VP grant		284	400	400	1,084
Private		284	400	400	1,084
<b>FINANCING</b>		<b>568</b>	<b>800</b>	<b>800</b>	<b>2,168</b>
<b><u>2. REVENUE COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>FULL YEAR £'000</b>
<u>Service Controlled - Expenditure</u>					
Employees )					0
) To be met by existing Revenue budgets					0
Maintenance )					0
Equipment )					0
Administration )					0
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>

## Report of the Cabinet Member for Regeneration

Cabinet – 23 September 2014

### FPR 7: WATERFRONT CITY PROGRAMME - INFRASTRUCTURE WORKS

<b>Purpose:</b>	To seek approval for the allocation of the outstanding Waterfront City Convergence Programme Public Realm budget.
<b>Policy Framework:</b>	City Centre Strategic Framework.
<b>Reason for Decision:</b>	To comply with Financial Procedure Rule No. 7 (Capital Programming and Appraisals) – to commit and authorise a new capital scheme in the capital programme.
<b>Consultation:</b>	Finance, Legal, Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet authorises the schemes as outlined, together with their financial implications, and that this be added to the Capital Programme; 2) Approval is given to submit any statutory applications (planning etc) necessary to allow scheme delivery.
<b>Report Author:</b>	Gareth Hughes
<b>Finance Officer:</b>	Steve Mathews
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Kirsty Roderick

#### 1.0 Introduction

- 1.1 All works associated with European funded Waterfront City public realm programme must be completed and all financial commitments settled before April 2015. Therefore there is an urgency that the remaining programme of works be agreed and works committed.
- 1.2 The following report advises Cabinet of amendments to previously approved schemes, and recommends the projects described below.

## 2.0 Project Updates and Proposals

### Boulevard

2.1 A budget of £8.905m was approved by Cabinet on 19<sup>th</sup> December, 2012 to deliver the full Boulevard scheme including public art, and works commenced in May, 2013. Delivery of Phase 1 was due to be completed by November 2013 however this programme was seriously affected by: the need to maintain traffic flows; availability of materials; ground conditions; extensive public engagement leading to restricted working patterns and delays. Consequently it became clear that delivery of Phase 2 via a separate procurement action was not achievable by the end of March, 2015 to allow completion of the scheme by November 2014. Therefore on the advice of the Head of Legal & Procurement and in full compliance with EU Procurement Regulations negotiation was entered with the Phase 1 contractor to undertake Phase 2 works as a contract variation, and works were subsequently instructed. This is programmed for completion end October, 2014.

2.2 Cabinet on 11<sup>th</sup> February 2014 has previously agreed to additional works at Somerset Place. This has meant an additional cost of £250k. However an additional £873k budget provision is now required to complete the scheme which relates to: additional noise mitigation measures, additional traffic management measures, unforeseen costs arising from unchartered services (not identified on ground radar), and amendments to the scheme in relation to the Sainsbury's junction. The revised budget for the Boulevard will rise to £10,028k

### Northern Quarter

2.3 Cabinet on 11<sup>th</sup> February 2014 approved a FPR7 report in relation to public realm works at Grove Place, Alexandra Road. Implementation of works to Alexandra Road cannot now proceed as works to Glynn Vivian Art Gallery will not be completed in time to allow road works to commence. Works to Grove Place have also been postponed pending the agreement to future proposals which will emerge as part of the review of the City Centre Strategic Framework. The estimated cost of works was £1.155m and will be removed from the Capital Budget.

### High Street Corridor

2.4 Cabinet on 11<sup>th</sup> February 2014 also approved works to the High Street Corridor with an estimated cost of £1.411m. Proposals for High Street have now been refined following consultation with Castle Ward members with a reduced cost of £680k. The revised programme below is submitted for Cabinet approval:

- **College St & High St junction** - creation of a single stage 'diagonal crossing, with reduced pedestrian guardrail, and new tactile pavings at crossing points.
- **Castle Bailey St, Caer, Wind St Junction** - reconstruct new junction at Wind Street incorporating stone setts and automated bollards for ease of closure of the street.



- **High St Station Declutter & enhancement** - removal of pedestrian guardrail, improved signing, improved carriageway, tree-works.

Total cost including fees £680k.

### **Wayfinding**

- 2.5 Pedestrian signage/mapping information to assist navigation around the City Centre. Elements have been delivered via past and existing projects, and this investment will see completion of the hierarchy. Cost £120k

### **Gloucester Place**

- 2.6 Extension of works within Maritime Quarter to include footway improvement with Pennant Stone and wider footways near junctions. Cost £300k

### **Former Clarence Terrace Car Park**

- 2.7 Closed in December 2013 due to water damage to the main electrics making it unsafe for occupation. In May 2014, Type 3 Asbestos Report and Soil Investigation Surveys commenced. A party-wall surveyor is being appointed given the adjacent properties. Proposal to demolish building and lay out as a temporary car park to support City Centre regeneration. Planning approval is required for demolition and alternative use. Cost £400k.

### **City Centre Cycle Networks**

- 2.8 Waterfront City funding is required to enhance the programme of off road cycle routes being delivered with the aid of Local Transport Plan funding. This will allow the following additional phases to be delivered. Cost £151k:
- **Princess Way** - this will formalise a route through the pedestrianised section of Princess Way, between its junction with Caer Street and Kingsway Circle. The Greenmore setts, which have been installed adjacent to the former David Evans department store and subsequently terminate at the junction with Oxford Street, will be extended south to the junction with Caer Street to indicate the route of the shared path in a manner which is unobtrusive and sympathetic to the aesthetic of this important area of public realm.
  - **Victoria Quay** - an alternative route to the quayside (prohibited for cycling as it is too narrow to be safely designated as a shared space) is supported by officers and Castle Ward Members to positively promote City Centre cycling. Victoria Quay is a quiet lit back-street, surfaced with cobbles. A cycle-path will be constructed adjacent the cobbles, surfaced with flat setts to maintain street aesthetics, whilst presenting a comfortable cycling surface. Prohibition signage will be installed around the quayside.

## **3.0 Equality and Engagement Implications**

- 3.1 An Equality Impact Assessment was undertaken 2010 for the Waterfront City – Public Realm Schemes. As a result of the Assessment, the impact of the public realm schemes are not considered to be negative for any of

the different equality target groups. In fact, it is considered that there will be more direct positive benefits for certain groups. This EIA was updated in January 2012 and is under continual review.

- 3.2 A detailed communication plan specifically tailored for each new project will be prepared to ensure that any impacts are effectively communicated to the various target groups. Boulevard communications are ongoing, and have been highly effective.

#### **4.0 Financial Implications**

- 4.1 The cost of the schemes above are detailed in Appendix A and can be fully funded from the revised Waterfront City Public Realm budget which was recently approved by WEFO. The full public realm budget is dependant on the performance of the associated Waterfront City grants scheme and this is on track to achieve the necessary surplus to cross subsidise the public realm works. Details were set out in the Cabinet report 11<sup>th</sup> February 2014.

- 4.2 Operational service areas have been consulted on projects within the highway - these will be designed to minimise future maintenance costs and will be maintained within existing City Centre budgets as will way-finding elements.

#### **5.0 Legal Implications**

- 5.1 The Council will need to comply with the terms and conditions attached to any grant funding. All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate.

**Background Papers:** None.

**Appendices:** Appendix A – Financial Implications Summary.

## Appendix A

FPR 7

Appendix A

### **FINANCIAL IMPLICATIONS : SUMMARY**

Portfolio: REGENERATION  
 Service : CITY CENTRE  
 Scheme : WATERFRONT CITY PUBLIC REALM

<b><u>1. CAPITAL COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>TOTAL £'000</b>
<u>Expenditure</u>					
Boulevard – extra costs		873			873
Boulevard - Somerset Place works		250			250
Northern Quarter - old		-1155			-1155
High Street Corridor - old		-1411			-1411
High Street Corridor - new		680			680
Gloucester Place		300			300
Clarence Terrace		400			400
Wayfinding works		120			120
CC Cycling Network works		151			151
<b>EXPENDITURE</b>		<b>2774</b>	<b>x</b>		<b>2774</b>
<u>Financing</u>					
ERDF grant					
<b>FINANCING</b>		<b>2774</b>			<b>2774</b>
<b><u>2. REVENUE COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>FULL YEAR £'000</b>
<u>Service Controlled - Expenditure</u>					
Employees )					0
Maintenance ) met by existing Revenue budgets					0
Equipment )					0
Administration )					0
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>