

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON
MONDAY, 14 SEPTEMBER 2015 AT 4.30 PM

PRESENT: Councillor M H Jones (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	J P Curtice	J W Jones
D W Cole	E W Fitzgerald	R V Smith
N J Davies	T J Hennegan	

Also Present:

Councillor M C Child	-	Cabinet Member for Wellbeing and Healthy City
Councillor C Richards	-	Cabinet Member for Services for Children and Young People
Councillor F M Gordon	-	Convenor, Schools Scrutiny Performance Panel

Officers:

B Madahar	-	Scrutiny Co-ordinator
W Parkin	-	Senior Lawyer
S Woon		Democratic Services Officer

34 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors B Clay, A M Cook, S E Crouch, D J Lewis, G Owens, G J Tanner, P M Meara, Mr D Anderson-Thomas and Mrs S Joiner.

35 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor J P Curtice – Minute No. 42 – Scrutiny Work Programme 2015-2015 – Personal - Ward Runs alongside proposed new Gorseinon Primary School.

Councillor D W Cole – Minute No. 42 - Scrutiny Work Programme 2015-2015 – Personal - Proposed new Gorseinon Primary School.

36 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS.**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

37 **MINUTES:**

RESOLVED that the Minutes of the Scrutiny Programme Committee held on 10 August, 2015, be agreed as a correct record.

38 **SCRUTINY PERFORMANCE PANEL PROGRESS REPORT - SCHOOLS.**

Councillor F M Gordon, the Convenor of the Schools Scrutiny Performance Panel presented her update to the Scrutiny Programme Committee.

She advised that the Panel currently met on a monthly basis and the work completed since the last update in March included:

- i. In March, a session was dedicated to looking at the Education Funding Formula with the Chief Education Officer
- ii. In April, the Panel carried out an evaluation of the year and starting plan for the year ahead.
- iii. In May the Panel looked at the Education Improvement Grant, EMLAS and revisited the issue of elective home education.
- iv. In June the Panel spoke to the Managing Director of ERW looking particularly at the Regional Business Plan.
- v. In August the Panel received an update from the Chief Education Officer on Additional Learning Needs Reform.
- vi. Over this period the Panel had also kept up to date with individual school Estyn Inspections publications and any advisory/practice documents including for example: relevant Estyn Inspection outcomes for Swansea, Estyn and other guidance information.

With regard to achievements/impact, Councillor F M Gordon referred to the convenor's letters to the Cabinet Member for Education which had raised some of the points below. Cabinet Member responses had been received. As an example:

- Elective Home Education: the Panel continued to have concerns around safeguarding in relation children who are home educated, given that legislation is currently very loose in this area. The Cabinet Member for Services for Children and Young People replied to the Panel and explained that Welsh Government Legislation does not allow local authorities to challenge parents who choose to home education their children. However, it is hoped that a protocol can be drawn up to ensure that Child and Family Services, the Education Department and school staff can work more closely together, within the confines of legislation, to improve the support for children being home educated. When the Swansea model has been drafted, it is intended to share the protocol with other local authorities in the ERW region through the ERW Safeguarding Group.
- The Panel at its meeting in May highlighted the importance of upskilling Schools/teachers in teaching EMLAS pupils and were interested in finding out plans around this for the future. The Cabinet member for Education informed the Panel in her letter that an EMLAS capacity-building model is operating in schools in tandem with targeted direct support for learners from ethnic

minority background at greatest risk of under-achievement. Although they were informed that some schools had fully embraced the EMLAS capacity building approach, a small number had rejected this strategy seeing direct support for learners as a higher priority.

Councillor F M Gordon advised that the Panel has also recently met to look at performance and support for Looked After Children and for Gypsy Traveller Children. Also in September the Panel would be reviewing the work of the School Improvement Service. She stated that the Panel worked very closely with the Education Improvement Service and LEA Challenge Advisors, and looking at how effective that is. She highlighted that the Panel was keeping an eye on reviewing good practice, curriculum changes, and impacts from budget cuts. In October the Panel will meet with the Challenge Advisor, Headteacher and the Chair of Governors of a Primary School.

Following discussion Councillor F M Gordon explained that:

- The Panel has focussed on meeting with schools identified as causing concern but is also learning about the best practice across all schools in Swansea;
- The Panel is receiving good quality information in a timely fashion in relation to any Estyn inspections; and
- The Panel was positive about Cefn Hengoed School's work with Gypsy & Traveller children and families with regard to education provision and support. Councillor F M Gordon supported the holistic approach with this service being part of the Poverty and Prevention Service Unit.

The Chair thanked Councillor F M Gordon for the update and the Panel for its work.

RESOLVED that the updated be **NOTED**.

39 **CABINET MEMBER QUESTION SESSION: CABINET MEMBER FOR WELLBEING & HEALTHY CITY.**

The Committee took the opportunity to question Councillor M C Child, Cabinet Member for Wellbeing and Healthy City.

Members noted the short report on 'headlines' in relation to portfolio objectives which assisted the Committee in focusing on priorities, actions, achievements and impact.

The Cabinet Member detailed work undertaken in relation to:

- Local Area Co-ordination;
- Best Start in Life;
- Smoking;
- Park Lives;
- Open Space Strategy;
- Commissioning Review; and
- Finance.

Members asked questions of the Cabinet Member regarding:

- Progress in relation to working with community organisations and friends of parks organisations (e.g. Underhill Park which was a matter of pre-decision scrutiny last November);
- Use of playing fields by clubs and cost of pitches;
- The role of Local Area Co-ordinators;
- Japanese Knotweed control on Council land;
- Education in respect of healthy eating;
- Progress with the Open Space Strategy;
- Allotments and community garden provision;
- Safety on the Kingsway and the provision of one cycle lane; and
- School gate safety and encouraging parents to avoid driving children to school.

The Chair advised that the question detailed in 5.1 of the report regarding Information had been withdrawn.

The Cabinet Member responded to the above and stated that he would provide a fuller response in writing in relation to work carried to adequately control Japanese Knotweed.

The Chair thanked the Cabinet Member for attending.

RESOLVED that the Chair of Scrutiny Programme Committee write to the Cabinet Member reflecting the discussion and sharing the views of the Committee.

40 **CHILDREN'S RIGHTS - SCRUTINY CHAMPIONS.**

Jane Whitmore, Partnership, Performance and Commissioning Manager, assisted by Councillor C Richards, Cabinet Member for Services for Children and Young People proposed an approach to enable Scrutiny Councillors to act as champions for children's rights when assessing the work of the Council.

The Committee was reminded about the report to Council on 2013 about embedding the United Nations Convention on the Rights of the Child (UNCRC) and mainstreaming it into council business. Since then a Children's Rights Scheme had been adopted by Cabinet in late 2014 on arrangements to demonstrate how the council was paying due regard to the UNCRC and considering children's views in council business and decision-making. She referred to the work done in schools to become 'rights respecting'.

The Partnership, Performance and Commissioning Manager referred to the questioning strategies used by scrutiny. She outlined a proposal to amend the strategies so that if any scrutiny activity was deemed to have a direct or indirect impact upon children and young people (aged 0-18 years), scrutiny councillors could both champion children's rights and scrutinise how due regard to the UNCRC has been paid.

Questions could be developed following a training session based on the guiding principles of the UNCRC. It was explained that these guiding principles could provide the foundation for monitoring by scrutiny. This would ensure that children's rights are scrutinised in a way that mirrors the children's rights impact assessment already used within the City and County of Swansea, ensuring consistency of approach. The four guiding principles of the UNCRC were:

- Best Interests (Article 3);
- Non-Discrimination (Article 2);
- Survival and Development (Article 6); and
- Participation (Article 12).

An awareness raising training session would be held to develop scrutiny councillor's understanding of children's rights and the policy context within which they sit in Swansea.

The session would enable members to feel comfortable and supported to both champion children's rights and apply them in their scrutiny role.

The session would cover:

- An overview of the UNCRC including its history and context internationally, nationally and locally and a more indepth consideration of the four guiding principles.
- An overview of the CYP Rights Scheme and its implementation in policy and practice since its launch including how the guiding principles had provided a framework for assessment; and
- Tailored approach to scrutiny of this work to familiarise committee members with the process in order for them to feel comfortable using it to ensure it is fit for purpose.

The Chair thanked the Partnership, Performance and Commissioning Manager for attending. She reiterated that this was not about identifying a single member champion for children's rights but all scrutiny councillors carrying out this role in their work. She looked forward to the training session. The Cabinet Member for Services for Children & Young People welcomed the scrutiny of this work and stated that challenge was very important.

RESOLVED that:

- 1) A training session be delivered to the Scrutiny Programme Committee and other scrutiny councillors to develop their understanding of children's rights in order to champion them and apply them in their role. A session has been arranged to take place on 29 October 2015 at 4.00 pm in the Guildhall;
- 2) Scrutiny questioning strategies (where relevant) incorporate the guiding principles of the UNCRC as a means of impact assessing children's rights; and

- 3) The Scrutiny Programme Committee test the new approach using the Children and Young People's Rights Scheme Annual Report which is being presented to the committee meeting on 9 November 2015.

41 **SCRUTINY IMPROVEMENT OUTCOMES.**

The Chair invited discussion in respect of the agreed scrutiny improvement outcomes for 2015/16, and implications on the committee's work

She advised that the Scrutiny Annual Report for 2014/15 recently presented to Council identified six improvement outcomes that would provide a focus for scrutiny in the year ahead:

- We need to talk more to Cabinet Members so that we can plan better and ensure that our work is making a difference;
- We need to align the work of scrutiny more closely to the five corporate priorities so that we can focus and impact on the things that matter;
- We need more briefings and development sessions so that we have the knowledge and skills we need;
- We need more coverage in the media so that the public are more aware of our work;
- We need more members of the public contributing to scrutiny meetings so that we can reflect their views in our work;
- We need closer links with regulators and inspectors so that we can provide a more coordinated and effective challenge.

The Chair stated that over the next 12 months the Committee should work on practical ways to achieve these outcomes and improve scrutiny in Swansea. These were to be subject to wider discussion by scrutiny members which meant that both the committee and panels should consider implications for their work and how they can contribute to the outcomes in their own work plans.

The committee discussed:

- What are we (as a committee) doing now for each of the outcomes?
- What more do we (as a committee) need to do?

In relation to getting more coverage in the media the Overview and Scrutiny Co-ordinator referred to the 'Scrutiny Dispatches' publication and attempts to make the document more news worthy.

In relation to briefings and development sessions the committee welcomed the upcoming opportunity to learn more about children's rights.

In relation to more members of the public contributing to the work of scrutiny, committee members talked about the potential for co-option, and more public input at committee meetings.

The Scrutiny Coordinator also referred to the actions that the committee could take to help deliver the improvement outcomes. He stated that he would reflect back on the discussion and ideas at the next meeting in October. He encouraged members to give thought to this.

RESOLVED that the report be noted.

42 **SCRUTINY WORK PROGRAMME 2015-16.**

The report of the Chair reviewed current work and invited the committee to consider new scrutiny activities, taking into account feedback from the recent Scrutiny Work Planning Conference.

The report provided the committee with:

- The current scrutiny work programme
- A plan for future committee meetings
- A progress report on the various existing Panels and Working Groups
- Proposals for new work
- Cabinet forward plan for opportunities for pre-decision scrutiny

The Chair referred to a request from the Secretary of Parc Y Werin Committee (a Residents Group) regarding concerns about the appropriation of land at Parc Y Werin, Gorseinon for a new build of Gorseinon Primary School. She stated that the Committee was scheduled to meet with Councillor J Raynor, Cabinet Member for Education, on 12 October, 2015 and the residents group had been invited to suggest any questions that should be put by the Committee to the Cabinet Member.

A discussion also ensued regarding Tree Preservation Orders (TPO's) as a potential new 'one-off' scrutiny topic (suggested by Councillor D Cole), and how it could be added to the previously agreed list of new work:

Potential New Inquiries:	New Working Groups (one-offs)
1. Building Sustainable Communities	1. Civic Events
2. Tackling Poverty	2. Welsh Housing Quality Standard
3. Sustainability – Food Security	3. Tethered Horses
4. Transition from Children to Adult Social Care	4. Tree Preservation Orders (TPO's)
	5. Corporate Building Services
	6. Roads / Highway Maintenance

Councillor D Cole explained that the issue had arisen from a discussion at Planning Committee. He suggested a Working Group could look at the TPO service in order to gain a better understanding of the process involved, particularly the interface with local members about information relevant to their areas, and to enable questions and feedback on views. He felt that it would be useful for information at the Working

Group on identification / maintenance of TPOs, enforcement process (who does what?) and sanctions (what are they?).

The committee discussed the Forward Look document and expressed reservations about the quality of information within and impact on potential for pre-decision scrutiny.

RESOLVED that:

- a. the committee work plan be accepted;
- b. TPO's be added the work plan; and
- b. proposals for new activities for the Scrutiny Work Programme be agreed in the order of priority indicated above.

43 **MEMBERSHIP OF SCRUTINY PANELS AND WORKING GROUPS.**

The Chair presented a report which advised of changes to the membership of Scrutiny Panels and Working Groups.

RESOLVED that:

- 1) in respect of the proposed Child & Adolescent Mental Health Services working group:
 - a. Mr D Anderson-Thomas and Mrs S Joiner be added to the group;
 - b. The revised membership be noted.
- 2) In respect of the School Governance Inquiry:
 - a. Councillor L Tyler-Lloyd be added; and
 - b. The revised membership be noted.
- 3) In respect of the Child and Family Services Performance Panel:
 - a. Councillor T J Hennegan be added; and
 - b. The revised membership be noted.
- 4) The membership as contained in the report be agreed in respect of the following new Panels / Working Groups:
 - a. Building Sustainable Communities – Councillor T J Hennegan be agreed as Convenor;
 - b. Tackling Poverty – Councillor S E Crouch be agreed as Convenor;
 - c. Civic Events – Councillor A C S Colburn be agreed as Convenor; and
 - d. Welsh Quality Housing Standard – Councillor T J Hennegan be agreed as Convenor.

44 **SCRUTINY LETTERS:**

The Chair reported the Scrutiny Letters Log and referred to recent correspondence between Scrutiny and Cabinet Members.

RESOLVED that the Scrutiny Letters Log be **NOTED**.

45 **FEEDBACK FROM RECENT SCRUTINY EVENTS.**

The Chair stated that there had been no recent scrutiny events to report on.

46 **UPCOMING SCRUTINY EVENTS.**

The Chair stated that there were no upcoming scrutiny events to report on.

47 **FOR INFORMATION: AUDIT COMMITTEE WORK PLAN.**

RESOLVED that the Audit Committee Work Plan be **NOTED**.

48 **DATE AND TIME OF FUTURE COMMITTEE MEETINGS FOR 2015/16 MUNICIPAL YEAR (ALL AT 4.30 P.M. EXCEPT WHERE NOTED):**

The date and time of future Committee Meetings for the 2015/16 Municipal Year was noted.

49 **DATE AND TIME OF UPCOMING PANEL / WORKING GROUP MEETINGS:**

The date and time of upcoming Panel/Working Group meetings were provided for information to help increase the visibility of this work and encourage participation.

The meeting ended at 6.10 pm

CHAIR