



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Panel Perfformiad Craffu - Gwasanaethau Plant a Theuluoedd

Lleoliad: O bell drwy Microsoft Teams

Dyddiad: Dydd Mawrth, 21 Medi 2021

Amser: 4.00 pm

Cynullydd: Y Cynghorydd Paxton Hood-Williams

Aelodaeth:

Cynghorwyr: C Anderson, A M Day, M Durke, K M Griffiths, Y V Jardine, S M Jones, E T Kirchner, W G Lewis a/ac D W W Thomas

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol**
www.abertawe.gov.uk/DatgeluCysylltiadau
- 3 Gwahardd Pleidleisiau Chwip a Datgan Chwipiau'r Pleidiau**
- 4 Cofnodion Cyfarfod(ydd) Blaenorol** **1 - 7**
Derbyn nodiadau'r cyfarfod(ydd) blaenorol a chytuno eu bod yn gofnod cywir.
- 5 Cwestiynau Gan y Cyhoedd**
Rhaid cyflwyno cwestiynau'n ysgrifenedig, cyn hanner dydd ar y diwrnod gwaith cyn y cyfarfod fan bellaf. Rhaid i gwestiynau ymwneud ag eitemau ar yr agenda. Ymdrinnir â chwestiynau o fewn cyfnod 10 munud.
- 6 Y cynnydd ar Raglen Gwella Plant a Theuluoedd** **8 - 12**
Julie Davies, Pennaeth y Gwasanaethau Plant a Theuluoedd
Gemma Whyley, Rheolwr y Rhaglen Trawsnewid
- 7 Cyflwyniad - Y Diweddaraf am y Bwrdd Magu Plant Corfforaethol**
Gemma Whyley, Rheolwr y Rhaglen Trawsnewid
- 8 Amserlen y Rhaglen Waith ar gyfer 2021-22** **13 - 15**

10 Fideo Ymholiad Gwerthfawrogol

Julie Davies, Pennaeth y Gwasanaethau Plant a Theuluoedd
Kate Ronconi, Prif Weithiwr Cymdeithasol

Cyfarfod nesaf: Dydd Mercher, 3 Tachwedd 2021 ar 4.00 pm

Huw Evans

Huw Evans
Pennaeth Gwasanaethau Democrataidd
Dydd Mawrth, 14 Medi 2021

Cyswllt: Liz Jordan 01792 637314

Agenda Item 4



City and County of Swansea

Minutes of the **Scrutiny Performance Panel – Child & Family Services**

Remotely via Microsoft Teams

Wednesday, 11 August 2021 at 4.00 pm

Present: Councillor P R Hood-Williams (Chair) Presided

Councillor(s)

C Anderson
S M Jones

Councillor(s)

K M Griffiths
W G Lewis

Councillor(s)

Y V Jardine
D W W Thomas

Other Attendees

Elliott King Cabinet Member - Children Services

Officer(s)

Chris Francis Principal Officer Commissioning and Care Services
David Howes Director of Social Services
Liz Jordan Scrutiny Officer
Damian Rees Principal Officer Safeguarding & Performance

Apologies for Absence

Councillor(s): A M Day, M Durke and E T Kirchner
Other Attendees: Julie Davies

1 Disclosure of Personal and Prejudicial Interests.

No disclosures of interest were made.

2 Prohibition of Whipped Votes and Declaration of Party Whips

No declarations were made.

3 Minutes of Previous Meeting(s)

The Panel agreed the minutes of the meeting on 22 June 2021 as an accurate record of the meeting.

4 Public Question Time

No questions were submitted by members of the public.

5 Performance Monitoring

Damian Rees, Principal Officer Safeguarding and Performance updated the Panel.

Discussion Points:

- Social Services changed over to new information system and data is not currently up to date.
- Panel raised issue of consistency of social workers to cases and queried if there is a lot of change over. Informed they are as consistent as possible given staff pressures.
- Panel felt number of re-registrations currently appears high. Officers are currently looking at this in more detail and hope to pull some common themes together.
- Panel queried why figures show 31% of statutory visits are overdue. Officers confirmed this is a recording issue. Staff are currently manually recording and tracking data and assured by managers all visits are being done.
- Panel queried how change over to new information system has impacted the Authority's ability to run the Service as they want to. Informed it has had an enormous impact but this was expected as it operates completely differently to the old PARIS system. The Service will quickly pick up the new approach. It is putting an added burden on social workers.
- Panel encouraged to keep pressure on. If Panel Members want further information, where there are gaps in the report, they should ask officers for feedback from their audit activity.
- Director stated there is some good stuff in report and gave examples. For Looked After Children population there is a sustained reduction over a number of months. Also starting to see the number of children subject to child protection plans coming down.
- Panel asked Director to pass on its compliments to the Department for the way the overall figures are improving.

6 Verbal Update - Care Inspectorate Wales (CIW) Assurance Visit Full Report

David Howes, Director of Social Services provided feedback to the Panel.

Discussion Points:

- Draft letter received by Authority. Will receive final version in due course. This will be shared with the Panel together with the full thematic report in the next few months.
- Written feedback from inspectors is consistent with verbal feedback from them following the inspection.
- The feedback is entirely consistent with the Authority's own self-assessment. This is really positive.
- Director felt there may be issues Panel want to pick up re QA on the work plan going forward.
- Inspectors had issues accessing information on the new system themselves. Department found alternative ways to provide the information so they could undertake the checks properly.
- Panel felt feedback was very positive and asked Director to take back to staff the Panel's appreciation for the work and effort they put in.

7 Outcome from Ty Nant Care Inspectorate Wales (CIW) Inspection

Chris Francis, Principal Officer Commissioning and Care Services updated the Panel on the inspection.

Discussion Points:

- Panel felt it was a concerning document with a number of actions for the Service.
- Officers confirmed the report identified a number of issues and challenges but they were issues the Department anticipated. There were some positives identified. One of the areas for improvement is Quality Assurance.
- Officers stated that it had been a particularly challenging period for care homes but they have got to do better for the children.
- Panel queried why training was not provided online and how often supervision is undertaken. Informed supervision should be monthly for full/part timers and six weekly for flexi staff as these staff have to deal with challenging circumstances on a regular basis. Training is provided online but not the breadth of subjects required for these staff.
- Panel raised concern that it had taken CIW to highlight the problems and not management. Officers stated a lot of things highlighted in report they were aware of but the last year had been a very difficult year to implement changes as dealing with pandemic and issue with manager of home. It was planned to take forward these actions anyway but it had not been done before the CIW visit.
- Panel thanked officers for report which was not easy to present. Panel felt it was obvious officers are systematically working through the action plan and that there will now be a spotlight on Ty Nant.
- CIW will be undertaking another visit shortly. Actions to be completed by end of September. Officers confident this target will be met.
- Report to be brought back to the Panel at appropriate time to ensure going in right direction.

Actions:

- 'Ty Nant - Update on Progress with Action Plan' to be scheduled in work programme for October/November 2021.

8 Work Programme Timetable 2021-22

The Panel considered the work programme.

The meeting ended at 5.45 pm



To:
**Councillor Elliott King, Cabinet Member for
Children Services**

BY EMAIL

Please ask for: Scrutiny
Gofynnwch am:
Scrutiny Office 01792 637314
Line:
Llinell
Uniongyrchol:
e-Mail scrutiny@swansea.gov.uk
e-Bost:
Date 25 August 2021
Dyddiad:

CC Cabinet Members

Summary: This is a letter from the Child & Family Services Scrutiny Performance Panel to the Cabinet Member for Children Services following the meeting of the Panel on 11 August 2021. It covers Performance Monitoring, CIW Assurance Visit and Ty Nant Inspection.

Dear Cllr King,

The Panel met on 11 August 2021 to receive an update on the Performance Monitoring Report for June 2021, feedback on the CIW Assurance Visit Full Report and feedback on the Outcomes from the Ty Nant CIW Inspection.

We would like to thank you, Dave Howes, Damian Rees and Chris Francis for attending to present these items and answer the Panel's questions. We appreciate your engagement and input.

We are writing to you to reflect on what we learnt from the discussion, share the views of the Panel, and, where necessary, raise any issues or recommendations for your consideration and response. The main issues discussed are summarised below:

Performance Monitoring

Damian Rees, Principal Officer Safeguarding and Performance attended to update the Panel on the Performance Monitoring Report for June 2021.

We heard that Social Services has changed over to a new information system and data is not currently up to date. Only two months figures are currently showing in the report.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU
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We raised the issue of consistency of social workers to cases and queried if there is a lot of change over. We were informed they are as consistent as they can be given staff pressures. Officers stated they would look into the individual case raised outside of this meeting.

We felt that the number of re-registrations currently appears high. It is concerning if cases are being closed and then children are being re-registered again in a short period of time. Officers stated they are currently looking at this in more detail and hope to pull some common themes together.

We queried why figures show 31% of statutory visits are overdue. Officers confirmed this is a recording issue. We heard that staff are currently manually recording and tracking data and officers have been assured by managers all visits are being done.

We queried how the change over to a new information system has impacted the Authority's ability to run the Service as they want to. We heard that the Service is doing more manual reporting and using more manpower currently. The Director informed us that it has had an enormous impact and it operates completely differently to the old PARIS system but you were expecting this. He believes the Service will quickly pick up the new approach. He stated that you did not appreciate the national issues around performance of the system but these are being picked up. Also you did not appreciate the time involved in recording information but have enough assurance from manually tracking that you are doing what needs to be done and no one is being put at risk. We also heard it is putting an added burden on social workers.

We were encouraged as a Panel to keep the pressure on. We heard that if we want further information, where there are gaps in the report, we should ask officers for feedback from their audit activity.

We heard that there is some good stuff in the report and heard some examples. With the Looked After Children population, there is a sustained reduction over a number of months. You are also starting to see the number of children subject to child protection plans coming down. We heard that this is a real endorsement of the hard work of the workforce and leadership from the senior managers team to get the Service to this place. We asked officers to pass on our compliments to the Department for the way the overall figures are improving.

Update - CIW Assurance Visit Full Report

David Howes, Director of Social Services provided feedback to the Panel.

We heard that the draft letter has been received by the Authority and that we will receive the final version in due course. This will be shared with the Panel together with the full thematic report in the next few months.

We heard that the written feedback from the inspectors is consistent with the verbal feedback from them following the inspection and that the feedback is entirely consistent with the Authority's own self-assessment. This is really positive.

We heard that the Inspectors reflected positively on the following:

- Staff are committed, loyal and positive and good visibility of managers at all level
- Front door - easy to access, work around signposting, good at providing timely responses
- Recognise demand and complexity increasing at front door.
- Early Help Hubs – really liked, and good feedback from partners and others about effectiveness of that work despite impact of Covid
- Signs of safety and signs of wellbeing work – really good shared vocabulary across workforce and for children and families
- Liked innovation around communication and engagement
- Acknowledged improved partnership working with education colleagues and schools, really crucial during pandemic
- Reflected positively on co-production focus in Corporate Parenting Board.

We heard about the Issues from the inspection:

- Staff feeling under significant pressure
- Quality Assurance (QA) – overall arrangements – inspectors see evidence of improvement but still work in progress.

Director felt there may be issues the Panel will want to pick up re QA on the work plan going forward ie some specific examples on how QA is being improved. He stated it is not just about the numbers, it is about a range of audit activities and checking case files and interviews with children and families etc.

We heard that the inspectors had issues accessing information on the new system themselves. However, the Department found alternative ways to provide the information so they could undertake the checks properly.

We felt the feedback was very positive and asked the Director to take back to staff our appreciation for the work and effort they put in.

Outcome from Ty Nant CIW Inspection

Christopher Francis, Principal Officer Commissioning and Care Services updated the Panel on the inspection.

We informed you that we felt it was a concerning document with a number of actions for the Service. However, details of the action plan showed the Department knows what needs to be done.

We heard that the report identified a number of issues and challenges but they were issues the Department anticipated. We heard there were some positives identified and one of the areas for improvement is Quality Assurance.

We were informed that it had been a particularly challenging period for care homes but that you have got to do better for the children.

We queried why training was not provided online and how often supervision is undertaken. We heard that supervision should be monthly for full/part timers and six weekly for flexi staff, as staff have to deal with challenging circumstances on a regular basis. We heard that training is provided online but not the breadth of subjects required for these staff.

We raised concern that it had taken CIW to highlight the problems and not management. We heard that you were already aware of a lot of things highlighted in the report but the last year had been a very difficult year to implement changes as dealing with the pandemic and there was an issue with the manager of the home. We heard that it was planned to take forward these actions anyway but it had not been done before the CIW visit.

We thanked officers for the report which was not easy to present. We felt it was obvious officers are systematically working through the action plan and that there will now be a spotlight on Ty Nant.

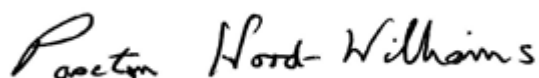
We heard CIW will be undertaking another visit shortly. We also heard that the actions in the Action Plan are to be completed by the end of September and officers are confident this target will be met.

We agreed that a report 'Ty Nant – Update on progress with action plan' will be scheduled in the work programme for October/November 2021 to ensure things are going in the right direction.

Your Response

We hope you find this letter useful and informative. We would welcome your views and comments on any of the issues raised, but in this instance, we do not require a formal written response.

Yours sincerely



PAXTON HOOD-WILLIAMS
CONVENER, CHILD & FAMILY SERVICES SCRUTINY PANEL
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Agenda Item 6



Report of the Cabinet Member for Children's Services Child and Family Services Scrutiny Performance Panel – 21 September 2021

IMPROVEMENT PLAN UPDATE

Purpose	To provide an update on Child and Family Services improvement plan.
Content	This report includes the agreed priorities for the next year incorporating our recovery plan following the national pandemic as well as our ambitions to deliver improved services for children, young people and families.
Councillors are being asked to	Consider the report as part of their routine review of performance in Child and Family Services.
Lead Councillor(s)	Cllr Elliott King, Cabinet Member for Children's Services
Lead Officer(s)	David Howes, Director of Social Services Julie Davies, Head of Child and Family Services
Report Author	Gemma Whyley Principal Officer for Transformation

CFS Improvement Plan 2021

Our Vision

Doing what matters to make things better for children, young people and families.

Our Purpose

We will help people to keep safe and protected from harm and give opportunities to exercise voice, choice and control in all aspects of their lives.

Our services will focus on prevention, early intervention and enablement and we will deliver better support for people, making best use of the resources available supported by our highly skilled and valued workforce.

Our Improvement Aspirations

- Enable workers to spend more time with families.
- Reduce the burden of paperwork and processes.
- Focus on 'what matters' and the voice of the child and young people at every level of the service.
- Create a shift in leadership thinking and behaviour across the workforce.
- Have a greater sense of shared purpose and identity across the service.
- A workforce who feel empowered and trusted in their roles.
- Measures are meaningful, demonstrate how and where we are making a difference, and helps shapes practice to improve outcomes.

Our Service Priorities

The agreed priorities for the next year incorporate our recovery plan following the national pandemic as well as our ambitions to deliver improved services for children, young people and families.

Each part of the service, has their own plan on a page and each team within that part of the service similarly has their own plan on a page. These capture the purpose, value steps and principles in line with our agreed overall service vision; as well as meaningful measures to evidence what is being delivered and achieved and how this shows we understand what matters to our customers (children, young people and families), our staff and our partner agencies.

The principles of the Social Services and Well-being Act as well as the feedback obtained as part of our recent assurance check conducted by CIW have been used as a means of capturing the service's key priorities for 2021/22; along with our cross-cutting objectives of workforce, quality assurance and systems-thinking transformation.

- People Voice and Control
- Prevention and Early Intervention

- Well-being
- Partnerships
- Quality Assurance
- Workforce
- Embedding Systems Thinking

People Voice and Control

1. Consistently produce child and young person friendly narrative and support documents.
2. Supporting access to WiFi / devices for children, young people and families.
3. Supporting family engagement through creative use of physical spaces.
4. Using the voice of the child and young people in service review and re-design activity as well as corporate parenting activity.
5. Empower children and young people through an active offer of advocacy to make sure their rights are respected and their views, wishes and feelings are heard at all times.
6. Empower families as advocates and partners, promoting peer support and advocacy for those families involved in the child protection process.
7. Identify and share learning and good practice, promoting innovative, creative, practice through our own learning, reflection, research, practice reviews and what children, young people and families tell us works for them.
8. Promote and develop systems that ensure disabled children and their families have a voice, informed choice and control over their lives.

Prevention and Early Intervention

1. Embed and consistently use the signs of wellbeing framework across the early help hubs.
2. Review and implement at pace our early help hub model.
3. Support and lead on regional and local work around emotional health and well-being.
4. Launch and implement the continuum of need, indicators of support document.
5. Embed our approach to contextual safeguarding.
6. Support family short breaks and respite through creative use of premises and the workforce.
7. Proactive use of short breaks foster carers to prevent children entering care.
8. Where appropriate assess and support children with disabilities and their families within the early help arrangements.

Well-being

1. Deliver a whole service approach to diverting children from care and preventing placement breakdowns.
2. Develop a proactive and child centred practice to using SGOs, including a fit for purpose policy and financial guidance.
3. Implement the recommendations from the Public Law Working Group report.
4. Review the Safeguarding Quality Unit, develop and agree principles, purpose and value steps and roll-in agreed improvements.
5. Review current internal therapeutic services and externally commissioned provision (including expert assessments) to achieve best use of public sector resources.

6. Re-brand and re-structure Foster Swansea in line with local need and national expectations.
7. Develop and implement an improvement plan for Ty Nant, including a staffing restructure.
8. Work with partners to transform the care and support available for our most complex children and young people so that the right accommodation is provided at the right time.
9. Complete a strategic, service wide review of services and support offered to children with disabilities and their families and carers.

Partnerships

1. Work proactively locally and regionally to ensure children and young people are able to access the right emotional health and mental health support at the right time.
2. Sustain tenancies for young people and provide more accommodation choice through the strategic Swansea Accommodation Pathway, and engagement at a national level.
3. Review and develop an improved accommodation offer for 16+ young people in partnership with young people.
4. Promote and support a whole system approach to using trauma informed approaches and a risk sensible way of working.
5. Review child to adult transition processes ensuring utilisation of regional transition strategies and governance arrangements.
6. Develop and implement actions in line with the agreed priorities for the Corporate Parenting Board, led by young people
7. Contribute to the development and implementation of the regional strategic plan and programme for children and young people.
8. Challenge Welsh Government to reduce the bureaucracy and processes associated with the grants they award and to trust local areas to spend the funding on what matters to children, young people and families.

Quality Assurance

The quality assurance and learning framework sets out the methodology we will use with a focus on qualitative and quantitative auditing including service user feedback, performance data, peer reviews, serious case reviews, weekly, monthly and annual reporting as well as multi-agency auditing. The framework includes mechanisms to promote quality, such as policy documents and procedures as well as service plans, team plans, and staff training, supervision and appraisal designed to ensure staff have the necessary skills, support and expertise to meet the required standards.

The priority actions to be implemented to embed the quality framework are:

1. Focusing on lived experience of our children, young people and families
2. Expanding qualitative and quantitative data capturing
3. Identifying good practice through child protection and crisis work
4. Building in assurance relating to providing the right service at the right time
5. Evidencing our ambitions to prevent escalation of needs
6. Ensuring our safeguarding action is proportionate and timely
7. Continuing to strive for high standards of service delivery
8. Developing a culture committed to continual learning and development.

Workforce

Our workforce vision is *“To recruit, support, develop and nurture a talented and passionate workforce across Child and Family Services”*. Our priorities for the next 12 months are to:

1. Maintain a consistent focus on staff morale through engagement and wellbeing work.
2. Accelerate the pace of implementing our partner engagement and communications plan
3. Implement a service wide approach to returning to office working to support social interaction across front-line teams, including agile working and promoting a healthy work-life balance.
4. Develop and implement a recruitment and retention strategy.
5. Review and revise the induction plan for workers and managers.
6. Develop coaching and mentoring approaches for leaders and managers.
7. Enable and develop workforce thinking to be driven by the voice of the child/young person not by processes and systems.
8. Review the supervision policy, ensuring it supports an approach to personal supervision that consistently evidences reflective conversations.
9. Develop a culture based on trust, empowerment and accountability across the workforce and with our children, young people and families.
10. Develop a service-wide progression pathway from apprenticeship through to Head of Service/Director
11. Develop a dynamic training plan that supports all workers in better identifying barriers/risks to accessing provision due to disability or ethnicity.

Embedding systems thinking

As a result of the service’s use of systems thinking methodology over a number of years, the method is being scaled-up to support more sustainable, whole system change. This will mean:

1. Leaders within the service will understand the systems they are driving and will trust their staff to do the right thing for the right people at the right time.
2. Leaders will be challenging their own ideas and helping each other understand assumptions and the impact they have on realising our ambition as a service.
3. Staff will be working in a system that both supports and empowers them to do what is best for the people they work with.
4. Staff will be able to undertake their role in an efficient and effective manner whilst enabling to meet their own wellbeing goals.

Agenda Item 8

CHILD & FAMILY SERVICES SCRUTINY PERFORMANCE PANEL WORK PROGRAMME 2021/22

<p>Meeting 1 Tuesday 25 May 2021</p> <p>4pm</p>	<p>Confirmation of Convener</p> <p>Update on progress with CAMHS <i>Joanne Abbott-Davies, Assistant Director of Strategy & Partnerships, West Glamorgan University Health Board</i> <i>Julie Davies, Head of Child and Family Services</i></p> <p>Briefing on Youth Offending Service <i>Jay McCabe, Principal Officer Bays+ and Youth Justice Services</i></p>
<p>Meeting 2 Tuesday 22 June 2021</p> <p>4pm</p>	<p>Update on Regional Adoption Service <i>Nichola Rogers, Regional Adoption Manager, Western Bay Adoption Service</i></p> <p>Initial feedback from CIW Assurance Visit <i>Julie Davies, Head of Child and Family Services</i></p> <p>Draft Work Programme 2021/22</p>
<p>Meeting 3 Wednesday 11 August 2021</p> <p>4pm</p>	<p>Performance Monitoring <i>Julie Davies, Head of Child and Family Services</i></p> <p>CIW Assurance Visit Full Report <i>Julie Davies, Head of Child and Family Services</i></p> <p>Outcome from Ty Nant CIW Inspection <i>Julie Davies, Head of Child and Family Services</i></p>
<p>Meeting 4 Tuesday 21 September 2021</p> <p>4pm</p>	<p>Progress on Child and Family Improvement Programme <i>Julie Davies, Head of Child and Family Services</i> <i>Gemma Whyley, Transformation Programme Manager</i></p> <p>Corporate Parenting Board Update <i>Gemma Whyley, Transformation Programme Manager</i></p> <p>Appreciative Inquiry Video (in closed session) <i>Julie Davies, Head of Child and Family Services</i></p>
<p>Meeting 5 Wednesday 3 November 2021</p> <p>4pm</p>	<p>Performance Monitoring <i>Julie Davies, Head of Child and Family Services</i></p> <p>Adolescent Strategy and Action Plan <i>Jay McCabe, Adolescent and Young People Services</i></p> <p>Update on Child Disability Services</p>

	<p><i>Julie Davies, Head of Child and Family Services</i> <i>Jay McCabe, Adolescent and Young People Services</i></p>
<p>Meeting 6 Monday 13 December 2021</p> <p>4pm</p>	<p>Update on Support for Carers (including assessments) <i>Dave Howes TBC / Julie Davies TBC / Amy Hawkins TBC</i> AS Panel Members to be invited for this item</p> <p>Complaints Annual Report 2020/21 for Adult Services / Child and Family Services <i>Sarah Lackenby, Chief Transformation Officer</i> AS Panel Members to be invited for this item</p> <p>Ty Nant – Update on progress with action plan Chris Francis, Principal Officer Child and Family Services</p>
<p>Meeting 7 Tuesday 25 January 2022</p> <p>4pm</p>	<p>Delivery of Corporate Priorities in relation to Child and Family Services <i>Elliott King, Cabinet Member for Children Services</i> <i>Dave Howes, Director of Social Services</i></p> <p>Performance Monitoring <i>Julie Davies, Head of Child and Family Services</i></p>
<p>Additional Meeting Budget</p> <p>Date TBC February 2022</p>	<p>Draft Budget Proposals for Child and Family Services</p>
<p>Meeting 8 Wednesday 9 March 2022</p> <p>4pm</p>	<p>Safeguarding Quality Unit Annual Report (item to include briefing on safeguarding issues in relation to forced marriages) <i>Damian Rees</i></p> <p>Update from Regional Safeguarding Board on how regional arrangements are working <i>Rebecca Shepherd, Business Manager, Regional Safeguarding Board</i> <i>Chris Frey-Davies</i></p>

Future work programme items:

- Wales Audit Office Reports (dates to be confirmed)
- Why children become looked after (TBC)
- Examples of tools and techniques employed by front line staff in family engagement (TBC)
- Case Studies on Edge of Care (date TBC)

Agenda Item 9



Report of the Chief Legal Officer

Child and Family Services Scrutiny Performance Panel – 21 September 2021

Exclusion of the Public

Purpose:	To consider whether the Public should be excluded from the following item of business.	
Policy Framework:	None.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No.	Relevant Paragraphs in Schedule 12A
	10	12
Report Author:	Scrutiny	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Chief Legal Officer (Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependent on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, the Panel will be requested to exclude the public from the meeting during consideration of the item of business identified in the recommendation to the report on the grounds that it involves the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.