

## Report of the Scrutiny Manager

Scrutiny Programme Committee - 11 April 2016

### SCRUTINY OF SWANSEA PUBLIC SERVICES BOARD

<b>Purpose</b>	To agree the arrangements for the scrutiny of Swansea Public Services Board.
<b>Content</b>	The report sets out the new statutory requirement for Councils to scrutinise Public Services Boards and proposes that a multi-agency scrutiny performance panel is set up to meet this requirement.
<b>Councillors are being asked to</b>	<ul style="list-style-type: none"><li>• Acknowledge that, for the purposes of the Well-being of Future Generations (Wales) Act 2015, the Scrutiny Programme Committee is the designated scrutiny committee for scrutinising Swansea Public Services Board</li><li>• Agree that a Public Services Board Scrutiny Performance Panel will be set up in order for the Committee to undertake this role</li><li>• Endorses the terms of reference for the Public Services Board Scrutiny Performance Panel set out at APPENDIX ONE</li></ul>
<b>Lead Councillor(s)</b>	Councillor Mary Jones, Chair of the Scrutiny Programme Committee
<b>Report Author</b>	Dave Mckenna, Scrutiny Manager, 636090, <a href="mailto:dave.mckenna@swansea.gov.uk">dave.mckenna@swansea.gov.uk</a>

#### 1. Background

- 1.1 The Well-being of Future Generations (Wales) Act 2015 requires that a public services board is set up in every local authority area in Wales. There is a duty on specified public bodies to work through these boards to improve the economic, social, environmental and cultural well-being of their areas by contributing to the national well-being goals set out in the Act.
- 1.2 Public services boards are the next generation Local Service Boards. They are specifically required to:
  - a) Undertake a well-being assessment for the area
  - b) Set local well-being objectives as part of a well-being plan
  - c) Take all reasonable steps to meet those objectives
- 1.3 Statutory guidance, setting out how the boards should operate, was published in February on the Welsh Government website:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

- 1.4 Swansea Public Services Board will have its first meeting on 17 May. Scrutiny of the Public Services Board should therefore commence after that date.

## **2. Scrutiny of the Public Services Board**

- 2.1 The Act requires that a local government scrutiny committee is designated to scrutinise the work of the public services board for that area. The intention is to place responsibility for challenge and accountability locally rather than on Welsh ministers (who have relatively few powers).

- 2.2 The Act says that:

*Each Local Authority must ensure its overview and scrutiny committee has the power to;*

- a) *Review or scrutinise the decisions made or actions taken by the public services board;*
- b) *Review or scrutinise the board's governance arrangements;*
- c) *Make reports or recommendations to the board regarding its functions or governance arrangements;*
- d) *Consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and*
- e) *Carry out other functions in relation to the board that are imposed on it by the Act.*

- 2.3 Specifically, scrutiny is expected to:

- Formally receive the Wellbeing Assessment and Wellbeing Plan from the Public Services Board
- Act as a statutory consultee for the Wellbeing Assessment and Wellbeing Plan
- Review the Wellbeing Plan if directed to by the Welsh Minister (who has the power of referral but not approval)

- 2.4 In terms of the scrutiny arrangement the guidance says:

*In order to assure democratic accountability there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board. It will be for each local authority to determine its own scrutiny arrangements for the public services board of which it is a member. For example, existing legislative powers can be used to put in place joint arrangements, such as 'co-opting' persons who are not members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area.*

*While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people's scrutiny committee) to scrutinise the public services board's work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.*

### **3. Proposed Arrangement**

- 3.1 As Swansea has a single committee model of scrutiny the Scrutiny Programme Committee will automatically be responsible for the scrutiny of the Public Services Board.
- 3.2 It is proposed that, in order to discharge this responsibility, the Committee establishes a Multi-Agency Scrutiny Performance Panel. This Panel would follow the same model as the current Local Service Board Scrutiny Performance Panel but with some differences such as the requirements of the Act and the Guidance being reflected in the Panel's terms of reference and workplan. The proposed terms of reference are attached at **APPENDIX ONE**.
- 3.3 The Panel will be convened by the Chair of the Scrutiny Programme Committee and include the conveners of the other scrutiny performance panels as well as the vice chair of the Scrutiny Programme Committee. The intention is to ensure that links to relevant service scrutiny activities are made.
- 3.4 As the partner agencies invited to participate in the Local Service Board Scrutiny Performance Panel reflected the 'core local service board members' set out in the relevant guidance, so it is proposed that the partners invited to participate in the new Panel reflects the Well-being of Future Generations (Wales) Act 2015 and Guidance. This means the statutory members and statutory invited participants (excluding the Council and the Welsh Ministers).
- 3.5 As with the Local Service Board Scrutiny Performance Panel, the intention is to invite non-executive members of the bodies above to work alongside scrutiny councillors. The relevant organisations along with the proposed invited panel members are detailed in the attached terms of reference.
- 3.6 The Committee should remember that, while the Panel will undertake the detailed work of scrutinising the Public Services Board, the Committee retains responsibility. To this end the Committee should:
  - Receive and consider a regular progress report from the Panel about its work and consider any additional actions as part of the scrutiny work programme as required
  - Receive and consider all correspondence between the Convener of the Panel and the Chair of the Public Services Board
  - Ensure that relevant Cabinet members are held to account for the work of the Public Services Board through Cabinet Member Q & A sessions

#### **4. Legal Implications**

- 4.1 The proposals in this report are consistent with the requirements of the Well-being of Future Generations (Wales) Act 2015 and the associated statutory guidance.

#### **5. Financial Implications**

- 5.1 There are no additional budgetary requirements associated with the proposals in this report. The Scrutiny Programme Committee manages its work with the resources allocated for support and prioritises accordingly.

Background Papers: None

Legal Officer: Wendy Parkin

Finance Officer: Carl Billingsley

## APPENDIX ONE

### Public Services Board Scrutiny Performance Panel Terms of Reference

#### 1. Why this topic is important:

- Scrutiny of Public Services Boards by local scrutiny committees is a statutory requirement set out in the Well-being of Future Generations (Wales) Act 2015 and associated statutory guidance.
- Scrutiny plays an important role; ensuring that partnership working is accountable to elected local councillors.
- Swansea Public Services Board is the overarching strategic partnership of public service providers in the area – scrutiny of this partnership supports the scrutiny of service performance more generally.

#### 2. What is the purpose of the Panel?

The overarching purpose of the panel is to consider:

##### ***What difference is Swansea Public Services Board making for citizens?***

The remit of the Panel includes only the activities of the Public Services Board as a partnership and excludes scrutiny of individual partner organisations.

#### 3. What are the possible lines of inquiry?

The Panel will support the Scrutiny Programme Committee to scrutinise the Public Services Board. The Act says that:

*Each Local Authority must ensure its overview and scrutiny committee has the power to;*

- a) Review or scrutinise the decisions made or actions taken by the public services board;*
- b) Review or scrutinise the board's governance arrangements;*
- c) Make reports or recommendations to the board regarding its functions or governance arrangements;*
- d) Consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and*
- e) Carry out other functions in relation to the board that are imposed on it by the Act.*

In addition to these functions the Panel's Lines of Inquiry can include (but not be limited to), the following:

1. The effectiveness of the Wellbeing Assessment
2. The effectiveness of the Wellbeing Plan
3. The effectiveness of performance measurement arrangements

4. The level of commitment from individual partners to the work of the Public Services Board
5. The effectiveness of the Public Services Board in communicating its work, objectives and outcomes to its stakeholders
6. The effectiveness of the Public Services Board in addressing the issue of pooled funding to tackle priorities

These Lines of Inquiry, some of which follow from the work of the Local Service Board Scrutiny Panel, are to be considered when the Panel develops its workplan.

## 5. Who will sit on this Panel?

The Panel will be a multi-agency panel with a core membership of 12 including six scrutiny councillors and six invited non-executives from local partner agencies. The scrutiny councillors will provide links to the committee and performance panels. The invited partner non-executives will be from the organisations listed in the Act as statutory members and statutory invited participants (excluding the Council and the Welsh Ministers).

The six scrutiny councillors will be:

Chair of the Scrutiny Programme Committee (Convener)	Vice Chair of the Scrutiny Programme Committee (Convener)
Convener (or representative from) the Schools Performance Panel	Convener (or representative from) the Child and Family Services Performance Panel
Convener (or representative from) the Service Improvement and Finance Performance Panel	Convener (or representative from) the Adult Services Performance Panel (proposed - to be confirmed by the committee)

The non-executive members of partner organisations who will be invited to join the Panel are as follows:

<b>Public Services Board Statutory Members / Invited Participants</b>	<b>Invitee</b>
Abertawe Bro Morgannwg University Health Board (Statutory Member)	Non-executive Board Member
Mid and West Wales Fire and Rescue Service (Statutory Member)	Member of the Performance, Audit and Scrutiny Committee , Mid and West Wales Fire Authority
Natural Resources Wales (Statutory Member)	Non-executive Board Member
The Chief Constable of South Wales Police (Invited Participant)	Member of the South Wales Police and Crime Panel
The South Wales Police and Crime	

Commissioner (Invited Participant)	
Probation Service Representative (Invited Participant)	Non-executive (tbc)
Swansea Council of Voluntary Services (Invited Participant)	Non-executive management Committee Member

In addition to the core membership the panel will be entitled to co-opt additional members on a temporary basis the length of which to be determined by the Panel. Co-optees should not be acting in an executive capacity for any of the Local Service Board partner agencies and may only be invited to join the Panel with the unanimous agreement of Panel members.

**6. How will the Panel report to the Scrutiny Programme Committee and elsewhere?**

The Panel will report via letters from the Convener to the Chair of Swansea Public Services Board. These letters, together with responses from the Chair of the Local Service Board, will be placed on the appropriate agenda of the Scrutiny Programme Committee. In addition it is expected that these letters will be formally considered by Swansea Public Services Board at full meetings.

The Panel will also provide a progress report to the Scrutiny Programme Committee no less than twice a year.

**7. Public Engagement**

The Panel will seek to gather evidence from the public as an ongoing aspect of its work.

Meetings of the Panel will be open to the public to observe and an item for public questions will be included on each agenda.

To promote public awareness updates from the Panel will be provided through the Swansea Scrutiny website and shared through social media.

Letters and agenda packs will be published via the scrutiny publications page.