

Report of the Leader

Council - 30 January 2025



Cyngor **Abertawe**
Swansea Council

Panel Performance Assessment Arrangements

Executive Summary

Purpose of Report:

To make arrangements for a statutory Panel Performance Assessment.

Recommendation(s). It is recommended that:

- 1) The requirements for the Panel Performance Assessment (PPA) be noted.
- 2) The proposed timescale for undertaking the PPA, that is June 2025, be noted.
- 3) Authority be delegated to the Leader & Chief Executive to confirm the appointment of the Panel and the Terms of Reference for the assessment.

Decision-Making Authority www.swansea.gov.uk/constitution:

Select from the list the constitutional basis www.swansea.gov.uk/constitution on which a decision is being sought (Please tick all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Article 4 "The Council Meeting" | <input type="checkbox"/> Financial Procedure Rules |
| <input type="checkbox"/> Scheme of Delegation | <input type="checkbox"/> Land Transaction Procedure Rules |
| <input type="checkbox"/> Terms of Reference | <input type="checkbox"/> Other "Please Specify" |
| <input type="checkbox"/> Contract Procedure Rules | <input type="checkbox"/> Not Applicable. Explain Why |

Corporate Plan Wellbeing Objectives:

Select which Wellbeing Objectives are relevant to this report (Please tick all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Education & Skills | <input type="checkbox"/> Tackling Poverty & Enabling Communities |
| <input type="checkbox"/> Economy & Infrastructure | <input type="checkbox"/> Transformation & Financial Resilience |
| <input type="checkbox"/> Nature Recovery & Climate Change | <input checked="" type="checkbox"/> All |
| <input type="checkbox"/> Safeguarding | <input type="checkbox"/> Not Applicable |

Relevance to Corporate Plan Wellbeing Objectives:

The PPA, while not directly assessing well-being objectives, will evaluate the Council's operations and governance, indirectly supporting their achievement by promoting effective and efficient performance.

Reviewed and approved by:

Access to Services, Finance and Legal Services

Report Author & Job Title: Ness Young, Director of Corporate Services

1. Introduction

2. The Local Government and Elections (Wales) Act 2021 established a new legislative framework for local government governance and performance. The Act introduced key duties for councils in Wales, including:

- **Duty to Review Performance:** Section 89 requires councils to regularly assess how effectively they exercise their functions, use resources, and ensure effective governance to meet performance standards.
- **Duty to Consult:** Section 90 mandates councils to consult annually with local people, businesses, council staff, and recognised trade unions about how well the council is meeting its performance requirements.
- **Duty to Report on Performance:** Section 91 requires the council to produce a self-assessment report each financial year, outlining how well it met performance standards and any actions taken or planned for improvement.
- **Duty to Arrange a Panel Performance Assessment:** Section 92 requires councils to commission an independent external panel at least once between ordinary elections to assess how well the council meets performance requirements.
- **Duty to Respond to the Panel's Report:** Section 93 obliges councils to respond to each panel report, stating whether they accept the findings, intend to follow recommendations, and what actions they will take to improve performance.

3. In respect of the legislation, performance requirements are defined as the extent to which a council:

- is exercising its functions effectively.
- is using its resources economically, efficiently, and effectively; and
- has effective governance in place for securing the above.

4. The PPA, similar to the council's self-assessment, evaluates how effectively the council meets performance requirements without serving as a checklist, inspection, or audit. As a statutory requirement, it supports continuous improvement and good governance, offering valuable opportunities for the Council to:

- Promote continuous improvement and strengthen good governance.
- Gain insights into its operational effectiveness to support sustainable service delivery.
- Leverage external peer expertise to address key improvement areas.
- Allow for comparisons with other Welsh councils, inspiring higher performance standards.
- Influence stakeholder perceptions, including the public's view of the Council.

5. **Advice**

6. The PPA has three key stages:

Stage 1 Preparation: Setting the scope, identifying, and commissioning the panel, establishing the terms of reference, sharing information with the panel, and making practical arrangements.

Stage 2 Assessment: Desk-based review, discussions with relevant stakeholders, verbal presentation of panel findings.

Stage 3 Follow-up: Production of final report, the council's response to it and involvement of the Governance and Audit Committee.

7. **Stage 1 Preparation**

8. Officers are currently preparing a document which sets out the scope of the PPA. This document, which will help identify the skills and expertise needed from the panel, will provide an overview of the city and county of Swansea, as well as information on:

- the Council's vision and priorities.
- any challenges that have been highlighted in the most recent self-assessment report.
- recent audit, inspection, or regulator findings.
- details of political and organisational leadership, governance, resource management and culture.
- Improvement priorities and defined focus areas, aligned with the Council's goals.

9. The Council is responsible for appointing the independent panel to undertake the assessment. The panel should be peer-led and have a mix of experienced senior officers, councillors and others who work with local government including from the wider public and other sectors. The panel should include as a minimum:

- An independent panel chair – not currently serving in an official or political capacity within local government.
- A peer from the wider public, private, or voluntary sectors.
- A serving local government senior officer, likely to be equivalent to chief executive or director, from outside the council.
- A senior elected member, from outside the council.

10. To maintain independence and objectivity, the Council must ensure panel members have adequate distance from its operations. The Welsh Local Government Association (WLGA) is facilitating the panel appointment process across Wales and holds details of approved panel assessors. While the WLGA will work with councils to provide a list of suitable panel members for consideration the final decision on panel membership rests with individual councils.

11. Once appointed the panel will consider the content of the scoping document and then prepare a draft Terms of Reference to be agreed with the Council.

12. The WLGA Improvement Team will then work with the panel members and the Council to agree arrangements for the on-site assessment which will take place over a 4-day period, in our case Tuesday 3 June to Friday 6 June 2025.

13. Stage 2 Assessment

14. The panel will work collaboratively to assess how well the Council meets performance requirements, as specified in paragraph 3 above. The panel will review the Council's latest self-assessment along with historical trends but will not conduct in-depth service reviews or audits. While not verifying the self-assessment itself, the panel may consider the Council's approach to self-assessment when evaluating governance effectiveness.

15. The panel will also consult political leaders, senior officers, and the following groups:

- Local residents and businesses
- Council staff and recognised trade unions
- Partners, inspection, and regulatory bodies

16. The consultation method, agreed in advance, may include a combination of interviews, focus groups, and digital surveys designed to capture diverse stakeholder feedback.

17. On the fourth day of the on-site visit, the panel will present key findings and recommendations to the Council, with the audience determined by the Leader and Chief Executive.

18. Stage 3 Follow Up

19. Following the assessment, the panel must produce a report outlining:

- Its conclusions on how well the Council meets performance requirements.
- Recommended actions the Council could take to improve its performance.

20. The panel should submit a draft report to the Council within 20 working days. The Council will have a further 20 working days to review it and highlight any factual inaccuracies. Once the final report is agreed, the Council must prepare a formal response stating:

- The extent to which it accepts the panel's conclusions.
- Whether it intends to follow the panel's recommendations.
- Any actions it plans to take to improve performance.

21. A draft of the Council's response must be submitted to the Governance and Audit Committee (G&AC) for review. If the council does not adopt a G&AC

recommendation, it must document the reasons in the final response and make these publicly accessible alongside the assessment report.

22. The Council must then publish both the panel's report and its response and send copies to panel members, the Auditor General for Wales, His Majesty's Inspector of Education and Training in Wales, Welsh Ministers (including Care Inspectorate Wales). The response must be published at least four months before the next scheduled Council election, currently May 2027, i.e. by the end of December 2026.

23. Stakeholder Participation

24. The Cabinet, CMT and Senior Management Group have been consulted in the preparation of this report and the drafting of the scoping document.

25. Risk and Issues Assessment

26. While no immediate risks are identified, potential challenges such as panel member availability or stakeholder non-engagement should be monitored.

27. Integrated Assessment Implications

28. The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure. Further information is available at www.swansea.gov.uk/IIA
29. An Integrated Impact Assessment (IIA) screening has been undertaken and no adverse implications have been noted.

30. Financial Implications

31. There are no additional financial implications for the Council arising from the recommendations in this report. WLGA is meeting the cost of PPAs across Wales in this first administrative term since the legislation was introduced.

32. Legal & Governance Implications

33. There are no additional legal & governance implications for the Council arising from the recommendations in this report.

Background Papers:

None

Appendices:

Appendix A - IIA