



City and County of Swansea

Minutes of the **Scrutiny Programme Committee**

Remotely via Microsoft Teams

Tuesday, 15 March 2022 at 4.00 pm

Present: Councillor P M Black (Chair) Presided

Councillor(s)

E W Fitzgerald
P K Jones
C E Lloyd
W G Thomas

Councillor(s)

D W Helliwell
H Lawson
S Pritchard
T M White

Councillor(s)

T J Hennegan
W G Lewis
G J Tanner

Statutory Co-opted Member(s)

D Anderson-Thomas A Roberts

Councillor Co-opted Member(s)

C A Holley S M Jones
P R Hood-Williams L R Jones

Also Present:

Councillor Elliott King Cabinet Member for Children Services
Councillor Mark Child Cabinet Member for Adult Social Care & Community Health Services

Officer(s)

David Howes Director of Social Services
Kate Jones Democratic Services Officer
Sarah Lackenby Head of Digital and Customer Services
Brij Madahar Scrutiny Team Leader
Debbie Smith Deputy Chief Legal Officer

Apologies for Absence

Councillor(s): C Anderson
Councillor Co-opted Members: J W Jones

105 Disclosures of Personal & Prejudicial Interest.

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

Councillor Clive Lloyd – Minute No. 109 – Councillor Clive Lloyd declared a personal and prejudicial interest and withdrew from the meeting for the item.

106 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.

107 Minutes.

Resolved that the Minutes of the Scrutiny Programme Committee held on 15 February 2022 be approved and signed as a correct record.

108 Public Question Time.

There were no public questions.

109 Complaints Annual Report 2020/21.

The Cabinet Member for Children Services, the Cabinet Member for Adult Social Care & Community Health Services, the Director of Social Services and the Head of Digital & Customer Services were present for the Complaints Annual Report 2020/21.

The Head of Digital & Customer Services presented the report and highlighted the following:

- Comparison of 2020/21 with previous years should be taken in context of the pandemic
- Changes in relation to reporting, as a result of the new Local Government and Elections (Wales) Act 2021, which now also includes a report to Governance & Audit Committee to provide assurance around the Council's complaints handling processes
- Despite the pandemic good progress was reported on advancing changes and new initiatives – reviewed and updated all complaints policies and the Complaints Team had received virtual training directly from the Public Services Ombudsman Wales
- All actions from the Ombudsman's Annual Letter to the Council had been completed
- Changes to handling Welsh Language Complaints in line with Welsh Language legislation
- Stage 1 and Stage 2 Complaints as well as comments and compliments both corporate and social services – and the impact of the pandemic on the numbers: Corporate Stage 1 and Stage 2 complaints reduced for 2020/21, although Requests for Service had understandably increased; for Adult Social Services Stage 1 complaints decreased, Stage 2 complaints increased slightly; and for Child and Family Services Stage 1 complaints increased slightly, Stage 2 complaints remained the same. Numbers were higher in some case due to multiple complaints received about the same case
- Use of comments, complaints and compliments to learn and develop services
- Those Ombudsman cases which were upheld and those that didn't continue
- Complaints were increasingly becoming more complex often involving multiple agencies

- New IT system was being developed in-house and was hoping to be live for corporate complaints initially in the first quarter of the new financial year – this would allow some complaints to be automated and should make the process easier for the public and more efficient for staff with improved reporting functionality.
- It was reported that overall, there were no trends of concern arising from the data, compared to previous year(s)
- The good work undertaken by the staff, particularly the Complaints Team, was specifically noted during a very challenging year

Questions and discussions focused on: -

- The Council's response to the Ombudsman's Annual Letter and action taken
- Understanding why complaints were becoming more complex, and whether this was an issue around systems in place – noted that it was not about systems, more about the nature of services, complex needs and individual circumstances, and multi-agency involvement
- Extent to which the strain on Social Services was reflected in complaints – and why the numbers had gone down. Noted that complaints had generally gone down and that it was hard to say exactly why that was, but the offer provided was so different during the pandemic it was difficult to make comparisons. It is possible that people's expectations and understanding of reality during the pandemic may have changed, along with increased resilience. The important thing was the number of complaints that were justified, as opposed to overall numbers. Any complaints made and upheld would feed into the recovery work to learn lessons for the health and care system. It was noted that compliments had risen in Adult and Child Social Services
- Importance of people asserting their rights and being able to raise complaints
- Recovery of Social Services – heard that there is still a significant back log and challenges to overcome that will take several months to work through, including around residential care / domiciliary care – and there has been an uptick in community transmission of Covid in the area adding to the challenge. The full impact of Covid is yet to be seen, as it continues
- Domiciliary care was still an issue – and the Council is improving conditions to help recruit and retain staff
- Whether the Council is seeing a rise in the proportion of complaints being made coming via legal firms, acting on behalf of residents, given the proliferation of companies advertising 'no win, no fee'. The Head of Service undertook to look into this and respond. It was noted that in some areas of service, e.g., within Social Services, the Council does receive legal challenges, not necessarily via the Corporate Complaints process, as appropriate to the issue
- Social Services Common Access Point (CAP) – one complaint had been upheld and addressed. It was not due to any systemic failure of the CAP, but an individual issue

The Chair thanked the Cabinet Members and Officers for the report and answering questions.

110 Procurement Scrutiny Inquiry - Final Report.

Councillor Chris Holley, Convenor of the Procurement Scrutiny Inquiry, presented the 'Procurement Scrutiny Inquiry – Final Report'. The Committee was asked to agree that the Panel's report can be submitted to Cabinet for decision.

The Convenor provided a brief outline of the process of the inquiry and the range of evidence that had been gathered. There was an understanding that procurement was about more than just buying something of the shelf but was about obtaining what you need at the right quality and quantity. The report, which contained many positive findings, outlined 9 Conclusions and 14 recommendations for Cabinet.

Questions and discussions focussed on the following:

- Recommendation on finalising The Schools' Guide for Procurement to assist schools in understanding the procurement rules, regulations and best practice should Cabinet accept the recommendation, and expectations around timescale for implementation. The Convenor was confident that this would be agreeable and was noted in the report, following consultation with the Head of Commercial Services, as a medium-term goal. The delivery of guidance was firmly welcomed by the Committee
- Timescale for the establishment of a working group to look at Education Procurement to help improve consistency in adherence to policy, ways of working and identifying gaps and finding common solutions, should Cabinet accept the recommendation – this was noted as a 'quick win' as it was expected that arrangements could easily be put into place to bring together representatives from schools (e.g. premises managers) and the Council's Procurement Team
- One of the issues identified, relating to procurement within schools, was regarding the cost of the Council's Building Services and perception – the report highlighted difficulties in comparing quotes with external contractors, and the need to ensure 'like for like' comparisons are being made, with consideration of safety / quality or works and materials. The suggested working group would help improve understanding around this and other relevant matters regarding procurement rules and help support schools. It was noted that issues around Landlord's Consent Forms, which was outside the scope of the Inquiry, also needed to be addressed
- Leasing, which is a major part of the current procurement system
- Council's responsibilities and commitment to climate change – report includes potentially radical recommendations, changing current policy / practice, e.g., consideration of carbon footprint and nature-based solutions in its procurement – noted as longer term challenges and ones which could potentially save costs
- The importance of greater involvement and opportunities for local companies to bid for work, and use of local skills

The Convenor thanked all those involved in the inquiry including members, partners, officers, and to the Scrutiny Officers for their support and research carried out including looking at procurement practice elsewhere.

The Chair thanked the Panel for its work and commended the report and difference it will hopefully make. It was noted that the report would be presented to the earliest available Cabinet meeting after the Council elections in May.

It was also noted that the Panel asked the Committee to consider how procurement fits into the scrutiny work programme overall and whether there is scope in the future to discuss this subject and relevant issues on an annual basis. The inquiry would, in any case, be followed up by the Panel in the next year or so (after cabinet decision) so the topic will remain in the work programme. After the follow up process is concluded the Committee could then consider how best to keep an eye on future Procurement issues and performance.

Resolved that the Procurement Scrutiny Inquiry – Final Report proceed to Cabinet.

111 Scrutiny Dispatches - Impact Report.

The Chair presented the Scrutiny Dispatches – Impact Report.

Resolved that the Scrutiny Dispatches – Impact Report proceed to Council.

112 Scrutiny Letters.

The Chair presented a report on 'Scrutiny Letters' for information.

Resolved that the Scrutiny Letters be noted.

113 Annual Work Programme Review.

The Chair presented the 'Annual Work Programme Review' and invited Committee members to reflect on the year's work / work programme and scrutiny experience, specifically considering, for example, how well the Committee has worked? had Scrutiny focussed on the right things? what lessons had been learnt?

The following were raised: -

- The importance of Scrutiny to good governance
- Current scrutiny arrangements are well-established
- Having to prioritise activity because of limited time and resources, which can be frustrating
- The need to ensure that the structure of Scrutiny and activities under the Scrutiny Programme Committee align well with Council / Cabinet priorities with good level of scrutiny across all Cabinet Portfolios, and is focussed on cabinet decision-making
- The Committee has done well in plugging any gaps in the work programme and held Cabinet members to account for specific portfolio responsibilities and issues, rather than a 'broad brush' approach looking at overall responsibilities
- The Committee's co-option of Performance Panel Conveners is good
- Consideration whether the Committee could hold at least 2 sessions per year on Crime & Disorder / Safer Swansea Partnership performance, rather than an annual session

- Ensuring scrutiny takes in a range of perspectives on issues
- Balancing local scrutiny with regional / joint scrutiny and ensuring scrutiny is effectively co-ordinated and complements well, including the challenge of scrutinizing the newly established Corporate Joint Committee
- Encouraging more people to participate in scrutiny and councillors actively participating in questioning
- The need for a training programme which will include helping scrutiny councillors to improve how they question and do scrutiny better
- The relationship between Scrutiny and Policy Development Committees – remembering that scrutiny councillors can also inform and influence the development and revision of policy through their work
- Future scrutiny in the new municipal year could include looking at the new Welsh Government Housing Legislation and implications on the Council
- The importance of holding a Work Planning Conference

The Chair advised that feedback will be considered by the Committee when it meets again after the election, and will help inform the development of a new scrutiny work programme.

The Chair thanked everyone that had made a contribution to Scrutiny, members, scrutiny officers, officers who had attended Scrutiny Programme Committee and any Panels, Working Groups and Inquiries. The Chair also thanked Co-opted members David Anderson-Thomas and Alexander Roberts for their contributions.

Resolved that the Annual Work Programme Review be noted.

The meeting ended at 5.01 pm

Chair