

FALKIRK COUNCIL

Minute of meeting of the Scrutiny Committee held in the Municipal Buildings, Falkirk on Thursday 17 August 2017 at 9.30 am.

Councillors:

David Balfour
Lorna Binnie
Allyson Black (Convener)
Nigel Harris
Laura Murtagh
Pat Reid
Depute Provost Ann Ritchie

Officers:

Caroline Binnie, Communications and Participation Manager
Rhona Geisler, Director of Development Services
Philip Morgan-Klein, Service Manager
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Stuart Ritchie, Director of Corporate and Housing Services
Alan Stewart, Improvement Manager

S1. Appointment of Convener

In terms of Standing Order 50.1 the committee was required to appoint a convener from the largest Opposition group.

Councillor Reid nominated Councillor Black.

Decision

The Committee agreed to appoint Councillor Black as convener.

S2. Apologies

An apology was intimated on behalf of Councillor Munro.

S3. Declarations of Interest

There were no declarations of interest.

S4. Minutes

Decision

- (a) The minute of the meeting of the Scrutiny Committee held on 2 February 2017 was approved;
- (b) The minute of the special meeting of the Scrutiny Committee held on 9 March 2017 was noted; and
- (c) The minute of the meeting of the Performance Panel held on 23 March 2017 was noted.

S5. Rolling Action Log

A rolling action log detailing the status of actions from the meeting held on 15 September 2016 which had yet to be completed was presented for consideration.

Decision

The committee noted the Rolling Action Log.

S6. Local Government Benchmarking Framework 2015/16 Update

The committee considered a report by the Director of Corporate and Housing Services presenting a summary of the Local Government Benchmarking data from 2015/16.

The Local Government Benchmarking Framework (LGBF), had replaced Audit Scotland's Statutory Programme Indicators performance information and had been compiled by the Improvement Service. The Local Government Benchmarking Framework data was a national benchmark which compared Scottish Local Authorities with the aim of improving performance in key areas. It consisted of:-

- a suite of common performance indicators, and
- family groups which look at areas of service, what are the differences across a number of Councils with regards to performance and what lessons can be learned from best practice to improve service provision.

The LGBF was a key element of Audit Scotland's statutory performance reporting framework to review Council's focus on improvement. The data relied upon:-

- Councils preparing information and data returns in a consistent way;
- national data sets being statistically significant in each Council area, and
- the Local Finance Return from each Council being consistently prepared.

It contained 80 indicators covering service cost, service delivery and customer satisfaction and included information on Council's priorities and concerns. It showed where there had been improvement or deterioration together with a comparison against Scottish Local Authorities.

The report highlighted and provided commentary on:-

- indicators by Service;
- comparison to the national average for 2015/16;
- Services' position relative to quartiles.

In addition to the report provided analysis on:-

- corporate indicators;
- Children's Services performance;
- Corporate and Housing Services performance;
- Development Services performance;
- Adult Social Work performance;
- Falkirk Community Trust performance.

The respective performance information relating to Adult Social Work and Falkirk Community Trust was presented but would be considered by the Scrutiny Committee (External) as part of its scrutiny of the Integration Joint Board and Falkirk Community Trust.

The Committee discussed the benchmarking figures for Children's Services. Members asked whether they showed deterioration of performance. The Director of Children's Services referred to indicators CHN 1-3 which showed the cost per pupil at primary, secondary and preschool respectively and contended that there was a question over the process by which the Improvement Service had compiled the figures. They appeared to indicate a deterioration in performance, with costs increasing on 2014/15 although comparable to the national average. Previously the costs had been amongst the lowest in Scotland. The fact that the figures suggested a significant increase in cost cast doubt over the collation of the figures and therefore in their value. In regard to indicators CHN 4-6 which showed the percentage of pupils gaining 5+ awards, the Director of Children's Services stated that the percentage was improving year on year and that attainment was improving. He highlighted CHN 8A which showed an increase in gross cost of looked after children in residential based services. Children's Services was currently looking to reduce the number of children placed outwith the authority and negotiating with care providers in relation to commissioning rates. This would bring the costs down. He also noted that the costs could fluctuate widely depending on the needs of the pupils and the intake in a given year. Members sought further clarification in regard to the costs per pupil set out in indicators CHN 1-3. The Director of Children's Services stated that he could not explain how the costs were compiled by the Improvement Service and had no

confidence that they were accurate. They did not however in themselves give cause for concern. Centrally held performance information showed that the authority was not out of step with the rest of Scotland.

In response to a question as to why the report stated that a decrease in adult satisfaction with local schools would be more likely to reflect the sample of the Scottish household survey rather than from parental satisfaction surveys, the Director of Children's Services stated that the household survey included adults with no children.

In regard to CHN3, cost per preschool registration, the Director of Children's Services stated that, in his view, it was inconceivable that the cost had increased by £1900 and again questioned the methodology for compiling the figures.

Members commented on 12 new indicators, grouped within indicators CHN 13-16 which related to achievement levels in reading, writing and listening and responding. These were "experimental" and relied upon teacher judgement. Members asked if sufficient guidance was available to schools in order to carry this out consistently. The Director of Children's Services explained that he had confidence in the teachers' judgement and explained that the judgement process would develop noting that that support from the centre would provide assurance to assist teachers. In reviewing the data, the Director of Children's Services stated that the authority was performing in line with expectations.

Members of the committee sought assurance that the authority was performing well, in particular in the context of decreasing budgets. The Director of Children's Services advised that, in recent years, attainment had been improving.

Members asked for clarification on the cost per planning application, indicator ECON2, which at £11,421 was the highest in Scotland. The Director of Development Services stated that the cost provided by the Improvement Service may be incorrect. The planning application process was currently being reviewed with a view of improving efficiencies – nonetheless, the cost provided was not correct.

The committee then discussed the data relating to Corporate and Housing Services. In response to a question on HSN3 (percentage of dwellings meeting Scottish Housing Quality Standards) and in particular the Council's ranking of 20 out of 32, the Director of Corporate and Housing Services stated that there were a number of authorities in a cluster in terms of score and so the relative position was misleading. There had nevertheless been improvement since 2015/16 and the percentage was now 93%.

In regard to CORP2, the cost of the democratic core per 1000 population (which had increased to £21,336), the Director of Corporate and Housing Services confirmed that the costs related to supporting the democratic core and not in providing direct services to the public.

In regard to indicator ENV6, which measured the percentage of total household waste arising that is recycled, members noted the slight decrease from 54.3% to 53.9%. Members asked if the dip was due to mixed contamination, and whether the figure measured what is actually recycled from household waste or simply the waste in totality. The Director of Development Services stated that it was the global figure of that is collected which was used and the figures show the percentage of this which is recycled. The dip reflected the challenges faced in separating mixed recyclates and the level of contaminants therein. These were significant challenges ahead, for example no household waste could be put into landfill post 2020.

Members asked whether the average time (hours) between the time of a domestic noise complaint being made and attendance at site, CORP5B2, which was 8.6 hours, was a cause for concern. The Director of Development Services stated that the figure of 8.6 hours compared well with the national average of 58.9 hours but stated that such a difference suggested that there was an inconsistency in how authorities collated the data for the survey. However the figure of 8.6 hours was accurate and attributed this to the changes in how the noise nuisance service. However the key factor was how the Council deals with noise rather than by these distinctions. The Director of Development Services suggested that the 2017/18 figures would show a different response time due to staffing losses in the statutory noise service.

In regard to Children's Services, members asked to provide an explanation for the authority's ranking of 25 in indicator CHN12B (average total tariff SIMD quintile 1). The Director of Children's Services stated that the focus was on closing the attainment gap. However, there was also a focus on closing the gap in the most disadvantaged areas, referencing the Pupil Equity Fund (PEF) as an example. Over the last 10 years attainment has risen locally and nationally. Interventions which apply to all pupils will result in attainment improving across all pupil groups. While this is positive, the gap between the top and bottom groups will remain largely the same. Following on, members asked who would be at fault if the Pupil Equity Fund intervention did not result in the gap closing. The Director of Children's Services responded that if some schools could use the PEF to close the gap while others couldn't then there would be questions asked of how the funding had been used. However, if nationally the funding did not result in the gap closing then there would be a question over the system itself. There were issues over how this is measured (for example, for P1 there is no national standard for measuring the gap) with the only concrete measure being at the point pupils leave school.

Decision:-

The Committee noted:-

- (1) Audit Scotland's increased focus on the use of the Local Government Benchmarking Framework indicators as a means to drive improvement;**

- (2) **the 2015/16 Local Government Benchmarking Framework refresh data for Falkirk Council and Falkirk Community Trust;**
- (3) **the indicators improving and deteriorating from 2010/11 (or the first year of reporting) 2015/16 in Appendix 1 of the report;**
- (4) **the indicators that compare better and worse than the national average, in Appendix 2 of the report and**
- (5) **the indicators that are in the top and bottom quartiles in Appendix 3 of the report.**

S7. National and Local Audit/Scrutiny Reports

The committee considered a report by the Director of Corporate and Housing Services highlighting reports which had recently been published by Audit Scotland together with an overview of the local scrutiny plan which had been published in March 2017.

Audit Scotland had published the following reports:-

- National Scrutiny Plan – A summary of local government strategic scrutiny activity 2017/18;
- Falkirk Council – Local Scrutiny Plan 2017/18;
- Principles for a Digital Future;
- Local Government in Scotland – Performance and Challenge 2017.

A summary was provided of each report, with particular reference to how these relate to Falkirk Council.

The Local Area Network (LAN), which comprised representatives of all scrutiny bodies who engage with Falkirk Council, had published its Local Scrutiny Plan for 2017/18. Following a risk based assessment, the LAN had determined that no new risks had been identified that require specific work in 2017/18. The LAN would however monitor progress made by the Council in addressing the actions arising from the Best Value Audit follow up undertaken by Audit Scotland in 2016. Additionally an inspection of Educational Psychological Services would be undertaken in October 2017.

The committee discussed the digital future project MyFalkirk. In particular members sought information in the channel shift from telephone call to online contact with the Council. The Communications and Participation Manager confirmed that officers held and analysed information on online contact and on telephone contact. As the Council shifted to greater use of online information, it was vital that interface with the public was fit for purpose. For example, there was a drive to make sure the electronic processes supported customer interaction. There was a need to move away from providing forms in PDF format move to electronic forms in which data could be input and accessed by staff directly. This would greatly enhance the customer experience and

improve bureaucracy. The Improvement Manager highlighted work on the MyFalkirk project process as an example where it was vital that customers were able to easily contact the Council. There was a significant amount of work to digitise and improve the processes ongoing within the Council but the focus would be on the point of contact with the customer and their experience of this contact.

The committee discussed the culture change shift to the use of online services by the public and sought detail on how the current projects support the public. The Improvement Manager stated that in addition to improving the customer interface there were workstreams aiming to improve processes within the Council. He stated, for example, a move to a single telephone (mobile and fixed line) contract with BT. This would allow better interaction between mobile phones and desktop based information such as an Outlook diary and would allow officers not only to access information more effectively but to provide the public with more reliable information and to connect with Council services more effectively.. Members asked if the Council held information on the purported 5% of the population who do not have broadband coverage, for example, if they were known and if processes were in place to support them. The Improvement Manager indicated that he would provide a response in regard to them.

Decision

The Committee noted the published national and local audit/scrutiny plans.

S8. Complaints Annual Report 2016/17

The committee considered a report by the Director of Corporate and Housing Services presenting the Complaints Annual Report for 2016/17.

The Annual Report set out performance, against 8 benchmarked indicators:-

- Complaints received per 1,000 population;
- Number of complaints closed;
- Complaints upheld, partially upheld and not upheld;
- Average response times;
- Performance against timescales;
- Number of cases where an extension is authorised;
- Customer satisfaction;
- Learning from complaints.

In 2016/17 the Council had received slightly fewer complaints than in 2015/16 (15.4 per 1000 population compared to 16 per 1000 population). Over 90% had been closed at stage 1 of the Complaints Handling Process and 80% had been closed by the stage 2 deadline in terms of outcome 47.9% had been upheld or partially upheld at stage 1 and 45% had been upheld or partially upheld at stage 2.

The committee discussed the findings of the scrutiny panel which had made recommendations in regard to complaints handling and sought assurance that these had been implemented. The Director of Corporate and Housing Services confirmed that these had been agreed by the Executive on 21 March 2017 (ref EX126) and had been implemented by officers. Members noted that in terms of the overall number of interactions with the public Council wide, the number of complaints was small. However, it was important that any complaints received are efficiently and effectively handled. In this regard, members asked whether training was provided to all staff. The Communications and Participation Manager stated that training was provided on the complaints handling process. It was important that Council was not defensive about complaints and recognised the value, in terms of public satisfaction and improving service delivery, that complaints are handled sensitively and that lessons are learned. The Director of Development Services highlighted the APDS process which allowed training to be tailored to individual needs. In response to a question, the Communications and Participation Manager confirmed that online equalities and diversity training was available.

The committee then considered the implementation of the Complaints Handling Procedure (CHP) within Children's Services. The process had been revised so that first stage complaints would be dealt with at school level rather than at the centre. This was seen as a positive innovation by members but it was important that this was communicated to parents. It was suggested that it may be a barrier previously that complaints about a school matter was dealt with centrally and it was important that parents were aware of the change in the process.

The committee then considered the role of elected members in supporting constituents who wished to make or who had made complaints and stated that all members should be aware of the CHP. In this regard, it was suggested by members that the terminology used was unclear and provided a barrier to understanding and sought clarity on how multiservice complaints were handled. The Communications and Participation Manager advised that in the case of multiservice complaints, a lead service would be identified and it would have responsibility for pulling together the response. Scottish Public Services Ombudsman (SPSO) guidance was followed for such complaints.

The committee considered that new members in particular may not fully understand their role in both raising complaints on behalf of constituents or in supporting constituents who had made complaints but who were not satisfied after stage 1. Members may tend to raise issues brought by constituents as a member's enquiry rather than as a complaint. Both processes are different and therefore clarity on the correct approach was sought. The Communications and Participation Manager concurred that this was an area which could be looked at further and indicated that a report would be brought to committee so that it could be looked at in more depth. The Director of Development Services stated that if a complaint was received as part of a member's enquiry it would be treated as a complaint. The convener

responded that this highlighted a grey area around the members' role once the enquiry had been made.

Decision

The Committee noted the Council's complaints performance between April 2016 and March 2017.

S9. Scrutiny Plan and Establishment of a Standing Scrutiny Panel on Performance

The committee considered a report by the Director of Corporate and Housing Services requesting that it establish a standing scrutiny panel on performance (the Performance Panel), identifying potential topics for inclusion in the Scrutiny Plan and establish a scrutiny panel on fly tipping and associated issues.

In terms of Standing Orders the standing scrutiny committee on performance, the Performance Panel consists of up to 5 core members, with the convener appointed by the panel itself. The committee was invited to set the political composition of the panel.

Although the panel's reporting cycle would be determined by the panel the following cycle was suggested:-

- Children's Services;
- Corporate and Housing Services;
- Development Services.

Following consideration of the work undertaken by the Scrutiny Committee Council had agreed in 29 March 2017 (ref FC83) to include fly tipping and associated issues on the scrutiny plan. The committee was invited to establish a scrutiny panel of up to 5 members to undertake the review. Following discussion members confirmed that the panel comprise 3 members (with 2 drawn from the Opposition groups and 1 from the Administration).

The Scrutiny Plan itself was set by Council. The committee was invited to consider topics for inclusion on the plan. Once these were agreed by the committee, Council would be invited to consider the committee's recommendations and confirm the Scrutiny Plan.

The committee discussed potential topics for inclusion in the scrutiny plan. Issues which had been discussed during today's meeting, in particular during the discussion on the Local Government Benchmarking Framework(LGBF) (ref SC6) were raised as potential topics. These were:-

- the planning process (in particular the cost);
- the veracity of the LGBF statistics in regard to Children's Services, in particular the cost; and

- the role of elected members in advising and assisting constituents in regard to complaints

In addition, the convener suggested that the housing allocation policy could be included as a potential item. Councillor Black further suggested that the Council's procedures for dealing with antisocial behaviour could be considered. Following discussion, the members of the committee supported Councillor Black's suggestions.

Additionally, Councillor Reid suggested that a committee may wish to consider how the Council engages with community groups to deliver services which were traditionally delivered by the Council. After discussion, the committee again accepted this as a potential topic.

The convener summarised the discussion, indicating that reports on the following topics should be brought to committee as potential items for inclusion on the scrutiny plan:-

- the housing allocation policy;
- antisocial behaviour;
- the planning process including the costs;
- Children's Services benchmarking information;
- engagement with community groups to deliver Council services; and
- the role of elected members in engaging in the complaints process.

Decision

The committee agreed:-

- (1) potential topics for inclusion in the scrutiny plan and requested that that reports will be submitted to the next meeting on the topics identified:**
 - the housing allocation policy;
 - antisocial behaviour;
 - the planning process including the costs;
 - the veracity of Children's Services benchmarking information;
 - engagement with community groups to deliver Council services; and
 - The role of elected members in engaging in the complaints process;
- (2) to establish a 3 member scrutiny panel on fly-tipping and associated issues comprising of 2 Opposition members and 1 Administration member.**
- (3) that names of the members of the scrutiny panel would be provided to the Chief Governance Officer by Group Leaders;;**

- (4) to establish a standing scrutiny panel on performance to be known as the Performance Panel which all members may attend;**
- (5) that the core membership of the Performance Panel would be 5 members with 3, including its convener, being drawn from the Opposition and 2 being drawn from the Administration, and**
- (6) that names for the core membership would be provided to the Chief Governance Officer by the Group Leaders.**