

EAST AYRSHIRE COUNCIL**GOVERNANCE AND SCRUTINY COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 21 MAY 2010 AT 1000 HRS IN
THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Tom Cook, Willie Coffey, Helen Coffey, John Campbell, Alan Brown, Stuart Finlayson, Jimmy Kelly, Eric Ross and Elaine Dinwoodie.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Robin Baker, Financial Controller; David Mitchell, Head of Legal, Procurement and Regulatory Services; Susan Taylor, Head of Service: Children, Families and Criminal Justice; Julie McGarry, Administration Manager; Celia Gray, Senior Manager - Locality Services; and Lynn Young, Administrative Officer.

APOLOGIES: Councillors John McGhee and Drew Filson.

CHAIR: Tom Cook, Chair.

PREVIOUS MINUTES

1. There were submitted and approved as a correct record, the Minutes of the Meeting held on 23 April 2010 (circulated), subject to the following amendments, namely:-
 - (i) that Item 9, 3rd bullet point read "Confirmed that information relating to the number of children excluded from school and subsequently diagnosed with a learning difficulty as a result of which are referred to a special school would be provided to members of the Committee"; and
 - (ii) that Item 11, 2nd last bullet point read "Reasons as to why any underspend in Educational and Social Services not be utilised for any recurring balances".

1.1 MATTERS ARISING**1.1.1 Further Refining the Reporting of Educational and Social Services Balances to Include Detail of Balances held by Individual Schools (Item 11, Page 1128, 07/12)**

It was agreed to remit to the Executive Director of Finance and Corporate Support to present a sample reporting format which would include details on the balances held by secondary schools, to a future Governance and Scrutiny Committee for approval.

MATTERS ARISING UPDATE REPORT

2. There was submitted a report dated 6 May 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided the Committee with a consolidated response to information requests made by Members at previous meetings.

Arising from discussion, the Committee (i) noted further information provided by the relevant officers in relation to the reasons for exclusion from primary or secondary school relating to physical and non-physical assault using a weapon or an improvised

weapon against staff and pupils; and malicious communications and slander or libel against staff and pupils; (ii) noted that the Head of Legal, Procurement and Regulatory Services, having confirmed that slander and libel were not recognised within Scottish law, which addresses such matters through the delict of defamation, agreed to seek clarification on the wording of this category with the Scottish Government; and (iii) agreed to keep under review the figures relating to assaults/threat of assaults using weapons against staff or pupils to ensure there were no upward trends.

It was agreed to note the information provided in response to the matters arising as detailed in the report.

SOCIAL BACKGROUND REPORTS TO THE CHILDREN'S HEARINGS

3. There was submitted a report (circulated) by the Executive Director of Educational and Social Services which advised of the Council's performance in respect of the percentage of social background reports submitted to the Children's Hearings within the target time determined by the Scottish Children's Reporter's Administration (SCRA).

Councillors Eric Ross and Dinwoodie left the meeting at this point.

During discussion, the relevant Officers responded to questions put and matters raised by Members relative to the following matters, namely:-

- that there was an improvement on reports which were late by one day following SCRA's acceptance of e-mailed reports;
- with regards to the 16.8% Performance figure for 2008/09, the HMIE Inspection had highlighted issues within the Service during this period, and that from the end of August 2008, an Action Plan had been implemented which created the Initial Response Team and had led to an improvement in the Service and further, that requests for the reports were now prioritised alongside other referrals within the Service;
- with regards to the family of Councils used for benchmarking purposes, the Executive Director of Educational and Social Services confirmed that the comparator authority areas were determined by HMIE, however, he had written previously to HMIE to request that they consider reviewing the groupings in light of the Scottish Index of Multiple Deprivation (SMID) figures. It was agreed that the Executive Director of Educational and Social Services contact HMIE again with regard to reviewing the comparator authority areas; and
- that child protection was more important than reaching national targets.

It was agreed:

- (i) to note the improved performance in respect of submitting social background reports to the Children's Hearing within the target time determined by the Scottish Children's Reporter's Administration and the plans for a programme of continuous improvement;
- (ii) to request that the Executive Director of Educational and Social Services provide a progress report in six months; and
- (iii) otherwise, to note the contents of the report.

EMPLOYEE STATISTICAL INFORMATION

4. There was submitted a report dated 7 May 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a range of employee statistics including Staffing Watch and absence for the Council for the period 1 January to 31 March 2010.

The Depute Chief Executive/Executive Director of Neighbourhood Services advised that in Section 6.1 of the report, the Department of Neighbourhood Services had one dismissal as opposed to Nil as detailed in the report; and in connection with paragraph 10.3 of the report, 18 employees of the 78 currently active on the Job Development Register had requested to remain on the Job Development Register as at 31 March 2010.

During discussion, Members raised issues relative to the undernoted matters, which were responded to by the appropriate Officers, namely:-

- the Executive Director of Educational and Social Services agreed to provide members of the Committee with information in connection with the number of Principal Teachers deleted from education establishments and the number of probationary teachers employed for the period 1 April 2009 to 31 March 2010;
- the Executive Director of Educational and Social Services confirmed that the Teacher Refresher Programme had resulted in promoted posts being removed from school staffing structures and, to date, approximately 40 posts had been removed, however, further confirmed that he would provide members of the Governance and Scrutiny Committee with the precise number of posts removed; and
- with regards to the number of grievances raised for the period January to March 2010, the Depute Chief Executive/Executive Director of Neighbourhood Services confirmed that she would provide to members of the Governance and Scrutiny Committee numbers of how many employees this figure included; and
- in terms of the format of reports, that future reports should not include text in italics which was difficult to read.

It was agreed to note the contents of the report.

AUDIT SCOTLAND REPORT - IMPROVING PUBLIC SECTOR EFFICIENCY

5. There was submitted a report dated 20 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a summary of Audit Scotland's report on Improving Public Sector Efficiency, and which outlined the Council's current approach and planned arrangements to respond to the key elements of the Good Practice Checklist produced by Audit Scotland to accompany the Improving Public Sector Efficiency report.

Arising from discussion, the Committee noted further information provided by the Financial Controller, as undernoted, in relation to the following matters, namely:-

- East Ayrshire Council's position in ensuring it would achieve the target of 2% savings, and that any additional pressures would still need to be resourced; and
- That the Second Strategic Review of the Revenue Budget (SRRB2) would revisit both the statutory and discretionary services when identifying any savings which could be made.

It was agreed:-

- (i) to note the publication of Audit Scotland's report on Improving Public Sector Efficiency;
- (ii) to endorse the key findings of the Audit Scotland Improving Public Sector Efficiency report as detailed in the report;
- (iii) to endorse the Council's current approach and arrangements to respond to the three key elements (priority based budgeting, improving performance information and improving collaboration) of the Good Practice Checklist produced by Audit Scotland to accompany their Improving Public Sector Efficiency report as detailed in Section 5 of the report;
- (iv) that the Council's Corporate Management Team be tasked with undertaking a detailed review of the Good Practice Checklist to ensure that the Council's current and planned approach to delivering efficiencies addressed the requirements of the Checklist and that the Corporate Management Team report back to the Governance and Scrutiny Committee in due course; and
- (v) otherwise, to note the contents of the report.

AUDIT SCOTLAND REPORT - AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2009

6. There was submitted a report dated 20 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a summary of Audit Scotland's Overview report on issues which arose from Scottish Local Authority Audit 2009; and which outlined a response to the key questions for Elected Members outlined within the Overview report to ensure an appropriate response to the challenging financial position anticipated over the next few years.

Arising from discussion, the Committee noted further information provided by the relevant Officers, as undernoted, in relation to the following matters, namely:-

- the Financial Controller confirmed that with regards to Council Tax and rent collection, East Ayrshire Council's performance remained static from 2009/10 at 94.1% for Council Tax collection, however, he would provide the figure on rent collection to members of the Governance and Scrutiny Committee; and
- the Financial Controller confirmed that colleagues were working on improving disposal practices to deal with surplus property/equipment.

It was agreed:

- (i) to note the publication of Audit Scotland's report which provided an overview of Local Government in Scotland 2009;
- (ii) to endorse the key findings of the Audit Scotland Overview Report as summarised in the report;
- (iii) to endorse the key questions for Elected Members proposed by the Audit Scotland report to assess whether authorities are prepared to meet the anticipated financial challenges over the forthcoming years;
- (iv) to note the Council's current and planned response to these questions as detailed in Appendix I of the report;
- (v) to the proposed arrangements for ensuring that all Elected Members were made aware of the publication of all relevant national reports by Audit

Scotland as detailed in paragraph 4.1 of the report, noting that reports placed on the Members' Portal could be downloaded; and

- (vi) otherwise, to note the contents of the report.

THE AUDIT OF HOUSING AND COUNCIL TAX BENEFIT - OUTCOME OF RISK ASSESSMENT

7. There was submitted a report dated 13 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of Audit Scotland's findings following the completion of the Risk Assessment of the Housing and Council Tax Benefits Service and which set out for approval a proposed Action Plan which addressed the risks to continue with the improvements identified.

During discussion, the Financial Controller confirmed that over-payment classification was an area that required to be addressed; and confirmed that with regard to regular reporting of the application of the Benefit Fraud and Prosecution Policy, information would be provided to members of the Governance and Scrutiny Committee on how the prosecution policy was applied.

It was agreed:-

- (i) to the proposed Action Plan as detailed in Appendix I of the report;
- (ii) to note that a further progress report would be prepared in advance of 31 March 2011; and
- (iii) otherwise, to note the contents of the report.

COUNCIL-WIDE STRATEGIC SELF-ASSESSMENT OF PERFORMANCE - IMPROVING ACTION PLAN - ANNUAL REVIEW OF PERFORMANCE

8. There was submitted a report dated 20 April 2010 (circulated) by the Chief Executive which updated on the Annual Review of Performance against the High Level Improvement Action Plan agreed by Cabinet in response to the Improvement Agenda arising from the second Council-wide Strategic Self-Assessment of Performance.

Councillor Willie Coffey left the meeting at this point.

During discussion, the Chief Executive provided clarification relative to the undernoted matters, namely:-

- the need to build on current successful joint partnership arrangements;
- that Resident Panels, which were currently comprised of 969 East Ayrshire residents, were reviewed every three years to ensure that the Residents Panel was broadly representative in terms of gender, age, ethnicity and of East Ayrshire's adult population as a whole as it provides a reliable cross-section of local views; and
- clarification that surveys carried out via the Residents Panel are issued and collated by an independent advisor.

It was agreed:-

- (i) to note the outcome of the first annual review of performance against the High Level Improvement Action Plan which arose from the Second Council-Wide

Strategic Self-Assessment of Performance as detailed in Appendix I of the report;

- (ii) to note the achievement of 40% of the improvement actions and the good progress made in implementing a further 40% of the improvement actions within the High Level Improvement Action Plan;
- (iii) to note the strong improvement made in a number of areas, including performance, resource and asset management, and the contribution that these achievements would make in responding to the findings of the Council's Best Value 2 Audit report; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1154 hrs.