

THE MORAY COUNCIL

MINUTE OF MEETING OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE

WEDNESDAY 23 APRIL 2008

COUNCIL OFFICE, ELGIN

PRESENT

Councillors G McDonald (Chairman), G Coull, J Hogg, B Jarvis, J MacKay, F Murdoch, P Paul, D Ross, M Shand and I Young

ALSO PRESENT

Councillor J Hamilton (Chairman (Remit 1) Educational and Social Services Committee), Councillor J Russell (Chairman (Remit 2) Environmental Services Committee) and Councillor J Sharp.

IN ATTENDANCE

The Director of Community Services, the Director of Educational Services, the Chief Financial Officer and the Chief Legal Officer, the Head of Community Care, the Head of Children & Families & Criminal Justice, the Head of Educational Development Services, the Team Leader Internal Audit, the Corporate Policy Unit Manager, Jim Gibson Quality Improvement Officer and the Principal Committee Services Officer, Clerk to the Meeting.

ALSO IN ATTENDANCE

Fiona Mitchell-Knight, Assistant Director, Audit Scotland Maggie Bruce, Senior Audit Manager, Audit Scotland.

APOLOGIES

An apology for absence was intimated on behalf of Councillors J Cree and R Shepherd.

1. DECLARATION OF GROUP DECISIONS:-

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

2. SINGLE OUTCOME AGREEMENT: PROPOSED CHANGES TO ROLE AND REMIT OF AUDIT & PERFORMANCE REVIEW COMMITTEE

There was submitted a report by the Chief Executive asking the Committee to consider extending its remit to enable it to scrutinise delivery against the Single Outcome Agreement (SOA).

Following consideration the Committee agreed to extend its remit to enable it to scrutinise delivery against the Single Outcome Agreement (SOA) and that reporting of performance monitoring indicators continue to be reported to this Committee until such time as SOA indicators are fully bedded in.

3. LOOKED AFTER CHILDREN

There was submitted a joint report by the Director of Community Services and the Director of Educational Services advising the Committee of the work undertaken in respect of looked-

after children as part of the 'Scrutiny of Longer Projects' and to agree any particular areas for further scrutiny.

Following consideration the Committee agreed:-

- (a) to note the work undertaken in respect of looked after children, and
- (b) that a further report be submitted to this Committee providing the Committee with a more detailed breakdown of the performance information to allow scrutiny of each of the three main headings as detailed in paragraph 5.1 of the report;

4. "EASY ACCESS" PROJECT

There was submitted a report by the Chief Legal Officer inviting the Committee to scrutinise progress of the 'Easy Access' Project and the key issues for the future of this Project. The report detailed the prerequisite steps required in order to implement the further development of the Project and the contact centre in particular.

Following consideration the Committee agreed:-

- (a) to note the time line for the Project as detailed in Appendix 1 of the report;
- (b) that the Director of Educational Services provide further information to a future meeting of this Committee on the progress of local youth forums in Moray;
- (c) that the Chief Legal Officer provide information to Members on:-
 - (i) the situation regarding the improvement/development work on the Corporate Address Gazetteer;
 - (ii) the problems related to moving to new British Standard Version BS7666 2006 due to supplier and costs;
 - (iii) the situation regarding the shelving of electronic forms and back-office system developed to handle roads permit applications;
- (d) that the Chief Financial Officer provide further information to Members regarding the extended use of the Smart card relating to its use at Moray Leisure Centre.

5. EQUALITIES LEGISLATION: PROGRESS UPDATE

Under reference to paragraph 16 of the Minute of the Meeting of the Policy Committee dated 19 December 2007, there was submitted a report by the Corporate Policy Unit Manager asking the Committee to review performance against the equalities agenda as led by the Chief Executive's Office.

During discussion Councillor Hogg stated that he was of the opinion that it was fully understood that it was this Authority's aim to achieve the most economical and financially efficient performance in this area and that he hoped that this would be achieved by perhaps ensuring that it complies to each of the duties listed at paragraph 3.2 of the report to a threshold standard only. He further sought clarification on how well the Authority was performing in regard to these based on a zero to five scale with one being the minimum and that he would expect that in each case the Council is effectively confining its performance to the threshold of one and not exceeding that threshold.

In response the Corporate Policy Unit Manager stated that on this scale with one being the minimum, the Council was struggling to reach one and the tasks detailed on page 2 of the report are the ones the Authority has had to do in order to meet some of the requirements of

the Equalities Duties and that the other areas have been at a very minimalistic point whilst there are some areas which still require a lot of work to be undertaken.

Councillor Paul sought clarification regarding what each level of the scale intimated by Councillor Hogg related to in terms of meeting the requirements of the legislation as in her opinion it appeared that the Administration Group 's target of one seemed to be very low.

Councillor Ross, sought clarification as to how Councillor Paul came to the view that it was the Administration Group's target and stated that he felt that this was misleading.

In response Councillor Paul stated that as Councillor Hogg was a member of the Administration Group it was her understanding that he was speaking on behalf of that Group and that if this was not the case she was happy to apologise otherwise she was of the opinion that she was entitled to ask the question and asked that Councillor Hogg clarify the matter.

Councillor Hogg stated that he was very specific in asking for some intimation as to how well the Council was doing under each of the headings listed at paragraph 3.2 of the report and that he suggested perhaps a zero to five scale and had expressed earlier that he would certainly be hoping that the Council would be aiming at the most economical and financially efficient performance in this area. He confirmed that he was not speaking on behalf of the Administration Group but from an individual point of view.

In regard to the completion of impact assessments, Councillor Coull asked when Educational Services and Community Care would be carrying out impact assessments.

The Chairman advised that he had sought an update on this issue as this was an area of performance, which was particularly bad and had been advised that Community Care had completed training on impact assessments but have yet to prioritise or carry out any assessments; Children and Families have signed two off , the three scheduled for completion in February have yet to be completed with the Department stressing work pressures for the delay, and Education has started three assessments and a meeting was scheduled for the 10 April 2008 to discuss the lack of progress.

He further stated that the Impact Assessment Guidance issued to Officers states that the Race Equality Duty was enforced in 2001, the Disability Equality Duty was enforced in December 2006 and the Gender Equality Duty was enforced in April 2007 and that the legislation for race, disability and gender requires the Council to carry out general and specific duties in relation to equality and that within this legislation it states a statutory duty to carryout Equalities Impact Assessments (EIA). He continued that in regard to Race Relations this had been enforceable since 2001 but that there are Departments who have not done any of these yet and sought comments from Officers.

In response the Director of Educational Services advised that whilst he would certainly accept that Educational Services is behind in this agenda from a position where they were reasonably ahead of the game, this was partly due to the guidance to Officers being issued late, and partly due to HIME visits this year which has had an impact in the Service's ability to deliver on this agenda.

In relation to Community Care, the Director of Community Services advised that whilst training taking had taken place there has been a shortage of staffing resources which the Service has been trying to address and in addition to this Community Care as well as Children and Families have been involved in two inspections and a forthcoming inspection which has taken up a lot of existing capacity.

The Chairman stated that these Acts have been in force since 2001 and 2006 and that in terms of people with disabilities and their democratic rights and whether or not these rights were being abused was in his opinion a fundamental function of the Department.

In response the Director of Community Services advised that in referring to the Director of Educational Services comments regarding the aspects in relation to implementing the

legislation and guidance which has come long after the 2001 date and there has been a significant resource issues. He further advised that it has also been mentioned in relation to disability equalities and he would suggest very strongly that in many parts of the Council it was well beyond a one in relation to how matters have been progressed both in terms of the Disability Discrimination Act legislation when it comes to the access to services and the suitability of buildings and also recruitment practice by making sure there is a safe recruitment practice and equality is also built into this practice.

Following consideration the Committee agreed to note the current position in relation to impact assessments and that the establishment of a Working Group lead by Elected Members be recommended to the next meeting of the Policy Committee.

6. INSPECTION REPORTS – EDUCATIONAL SERVICES

There was submitted a report by the Director of Educational Services informing the Committee of the school inspections carried out by Her Majesty's Inspectorate of Education (HMIE) between January 2006 and January 2008 and for all other external inspections carried out during the Education and Social Services Committee reporting period between October 2007 and April 2008.

Following consideration the Committee agreed to:-

- (a) note the evaluation and 9 requirement actions of singleton inspection of Pre-school Centres by the Care Commission as detailed in Appendix 3 of the report;
- (b) note the progress against follow-through actions, following inspections of East End, Mortlach and Portknockie Primary Schools by The Moray Council as detailed in Appendix 4 of the report;
- (c) note progress against interim follow-through actions following inspections of Tomintoul and Newmill Primary Schools by HMIE as detailed in Appendix 5 of the report;
- (d) note progress against follow-through actions following the inspection of Keith Grammar School by HMIE as detailed in Appendix 6 of the report;
- (e) note progress against follow-through actions following inspections of Moray Leisure Centre Pre-school Nursery, Moray Steiner School Kindergarten and New Elgin Primary School Nursery Class by HMIE as detailed in Appendix 7 of the report;
- (f) note the evaluation of quality indicators by HMIE in their inspection of the Educational Psychology Service as detailed in Appendix 8 of the report;
- (g) note the evaluation of quality indicators by HMIE in their inspection of the education functions of The Moray Council as detailed in Appendix 9 of the report.

It was further agreed that:-

- (h) as provided to the Educational Services Committee, when these types of HMIE reports are presented to Committee they include information regarding the Authorities evaluation rating along side that of HMIE's evaluation rating, and
- (i) in regard to pre-schools, procedures are put in place to ensure that all necessary checks such as Disclosure Scotland checks are carried out and completed prior to the employment of staff.

7. JOINT PERFORMANCE INFORMATION AND ASSESSMENT FRAMEWORK (JPIAF) ANNUAL EVALUATION AND THE NATIONAL OUTCOMES FOR COMMUNITY CARE

Under reference to the Meeting of the Education and Social Services Committee dated 9 April 2008, there was submitted a report by the Director of Community Services inviting the Committee to consider a recommendation from the Education and Social Services Committee in regard to the progress of the Moray Community Health & Social Care Partnership (MCHSCP) and changes in performance management arrangements for Community Care.

Prior to discussion the Chairman sought clarification as to when a full copy of the JPIAF Evaluation would be made available to Members as to date this had not been provided as stated in the report. In response the Community Care Manager apologised to the Committee for this and stated that she would ensure a copy is made available and that she would be happy to provide a further report to this Committee on this matter in order to allow Members the opportunity to read the full Evaluation Report.

Thereafter the Committee agreed that a report providing further detailed information regarding JPIAF11 in particular relating to it falling to achieve its targets be brought back this Committee.

8. INTERNAL AUDIT PLAN FOR YEAR ENDED 31 MARCH 2009

There was submitted a report by the Chief Financial Officer providing the Committee with details of the planned internal audit coverage for the year ended 31 March 2009 and asking the Committee to note that a further report on staffing levels within Internal Audit will be provided in six month's time.

Following consideration the Committee noted the proposed internal audit coverage for 2008/09 and that a further report on staffing levels within internal audit will be provided in six month's time.

9. EXTERNAL AUDIT – ANNUAL PLAN 2007/08

There was submitted a report by the Chief Financial Officer providing the Committee with a copy of the External Auditor's Annual Plan for 2007/08 which sets out the findings from External Audit's risk assessment for the Council, the corresponding actions to be taken by the Council to mitigate those risks and the planned work to be undertaken by Audit Scotland for the year ahead.

Following consideration the Committee noted the contents of the External Auditor's Annual Plan for 2007/08.

10. QUESTION TIME

In response to Councillor Coull's query regarding the absence of Committee Chairmen at this meeting and whether or not it should be an approved duty for them to attend, it was agreed that the Chief Legal Officer would refer the matter to the Chief Executive.