

## **Wrexham Public Services Board, Accountability and Scrutiny**

### **Introduction**

The purpose of this protocol between Wrexham's Public Services Board (PSB) and Wrexham County Borough Council (WCBC)'s Customers Performance & Resources Scrutiny Committee (CPR&GSC) is to ensure that Wrexham fulfils the requirements of the Future Generations Act (Wales) 2015 ('FGA') in so far as it relates to 'Scrutiny' of Wrexham's PSB.

The protocol provides background information in relation to the PSB and scrutiny in Wrexham, sets out the key requirements of the FGA and establishes local arrangements for accountability and scrutiny to support the development and improvement of the PSB.

The Protocol draws on the following:

- Well-being of Future Generations Act (Wales) 2015
- Shared Purpose: Shared Future Statutory Guidance on the Well-being of Future Generations Act (Wales) 2015
- Guidance for Local Authority Scrutiny Committees on the Scrutiny of Public Services Boards (2017)

### **Wrexham's Public Services Board**

Wrexham PSB is a statutory public body consisting of a number of statutory and invited public bodies that operate within the area of WCBC. A schedule of membership is contained within Schedule I.

The PSB must work in partnership to improve the economic, social, environmental and cultural well-being of Wrexham to achieve its Well being goals. Initially this will mean the PSB will undertake a well being assessment of Wrexham assessing the state of economic, social, environmental and cultural well-being. The PSB will then agree priorities, to be contained within a published local Well-being Plan, which will maximise the PSB's contribution to well-being goals.

### **Wrexham's Scrutiny Committee**

The FGA requires that the local authority designate a scrutiny committee with responsibility for scrutinising the work of the Public Services Board. WCBC has designated the Customers Performance Resources & Governance Scrutiny Committee (CPR&GSC) to fulfil this requirement.

### **Legislation**

The FGA requires that the scrutiny committee has the power to:

- Review or scrutinise decisions made or other action taken, by the PSB in the exercise of its functions;
- Review or scrutinise the PSB's governance arrangements;

- Make reports or recommendations to the PSB with respect to its functions or governance arrangements;
- Consider such matters relating to the PSB which Welsh Ministers may refer to it, and report to Welsh Ministers accordingly;
- Carry out other functions in relation to the PSB that are imposed on it by the Act.

The PSB must:

- Consult with the scrutiny committee during preparation of both the Well-being Assessment and the Well-being Plan and any proposed amendments to the Plan;
- Send a copy of both the Well-being Assessment and the Well-being Plan to the scrutiny committee;
- Send a copy of its Annual Report to the scrutiny committee.

In accordance with the FGA, the scrutiny committee may require one or more of the statutory members of the PSB to attend a meeting of the scrutiny committee and provide it with explanations of matters it has specified. Scrutiny of the PSB partner is limited only to its contribution to the activity of the PSB and does not include scrutiny of policies or decisions made by an organisation as an individual entity.

The scrutiny committee must send a copy of any report or recommendation made to the PSB in relation to its functions or governance arrangements to (a) the Welsh Ministers; (b) the Well-being of Future Generations Commissioner; (c) the Auditor General for Wales.

### **PSB and Scrutiny – a ‘commitment to co-operate’**

Local authority scrutiny is the means by which the FGA assures democratic accountability for partnership working in a locality. While scrutiny should not shy away from the need to challenge and question decisions, it should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. The ‘Guidance for local authority scrutiny committees on the scrutiny of PSBs’ suggests the 3 roles for scrutiny committees as:

1. Reviewing the PSBs governance arrangements
2. Acting as statutory consultees on the well-being assessment and well-being plan (and reviews thereon);
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle.

An excerpt from the Guidance which suggests how a scrutiny committee may undertake these roles is included as Schedule III.

**In the interests of collaborative working, the PSB and scrutiny have a 'commitment to co-operate' with each other and have agreed the following local arrangements:**

### **Local arrangements**

Scrutiny committees agree their own work programmes, however in practice the CPR&GSC will:

- Receive and consider the Well-Being Assessment and Well-being Plan at both draft and final version stages, as statutory consultee;
- Receive and consider Annual Reports from the PSB;
- Review the Well-being Plan, if directed to do so by Ministers.

The CPR&GSC will retain overall responsibility for taking an overview of the overall effectiveness of the PSB, however the work of the PSB in relation to its Well-being priorities may be delegated to the appropriate scrutiny committees.

The PSB has agreed the following priorities to be delivered by Programme Boards:

Priority 1 – “Children and Young people are given a healthy start in life” Safeguarding Communities & Wellbeing Scrutiny Committee

Priority 2 – “All people have opportunities to learn and develop throughout their lives” – Lifelong Learning Scrutiny Committee

The locally agreed arrangements below will apply to each of these three scrutiny committees.

### **Meetings**

The Scrutiny Facilitator and the PSB Support Officer will:

- work together to agree a mutually agreeable date for reports to and attendance at scrutiny committee;
- commission the production and presentation of a report from the PSB Executive Group or Programme Boards as appropriate;
- agree the timetable for report preparation and submission.

Information will need to be signed off by the Chair of the PSB and / or the relevant Programme Board as appropriate.

The PSB Chair will be invited to attend the CPR&GSC scrutiny committee meetings held to scrutinise the PSB.

The PSB Chair and/or the Programme Board Chair will be invited to attend the scrutiny committee meetings held to scrutinise the PSB priorities.

The invitee or a designated representative/statutory member representative is expected to attend the meeting. They may bring other PSB representatives as appropriate.

A representative of the PSB will be invited to attend a meeting with the Chair of the committee (to take place approximately 2 weeks prior to the meeting) to discuss the information and the arrangements for the upcoming meeting.

Agendas and papers for meetings will be provided to confirmed attendees and the PSB Support Officer 3 working days in advance of the meeting.

### **Scrutiny Reviews**

On occasion, a scrutiny committee may establish a small working group ('Task & Finish Group') to undertake a detailed review of a specific issue. At the conclusion of the review, the Group will report back to the full scrutiny committee for the scrutiny committee to consider its findings and conclusions and to make recommendations. The PSB Chair and Programme Board Chair (as appropriate) will be consulted on any review relating to the PSB that the Scrutiny Committee is intending to undertake. The Chair(s) will be informed of the final scope of the reviews and will be given adequate notice of invitations to attend meetings of the Group and / or scrutiny committee and any required information.

### **General communication, reports & recommendations**

In accordance with the Guidance for Local Authority Scrutiny Committees on Scrutiny of the PSB, the local authority and PSB recognise the benefits of developing communication methods that are proportionate and best suited to the degree of intended formality.

At scrutiny committee meetings, the scrutiny committee Chair will advise the committee of its options as follows:

- The scrutiny committee may instruct the Chair to send the outcome of the meeting, its general views and comments (as recorded in the minutes of the meeting) to the PSB / Programme Board in the form of 'Chair's correspondence'. All correspondence to a Programme Board will be copied to the PSB.
- The scrutiny committee may make formal recommendations to the PSB (which it will be required to send copies of in accordance with the legislation).

In selecting the most appropriate method of communication, the committee should be mindful of the need for formal recommendations to be evidence-based with a clear rationale and be written as statements.

Either the designated scrutiny committee, or any of those scrutiny committees with responsibility for considering the PSB priorities in detail, may make reports or recommendations which it must send copies of in accordance with the legislation. .

Unless other arrangements have been agreed between the scrutiny committee and the PSB, the PSB and / or Programme Board will consider both Chair's correspondence and committee reports and recommendations at their next ordinary meetings and the PSB Support Officer will report back any subsequent actions or responses to the scrutiny committee via the Scrutiny Facilitator immediately following the ordinary meeting.

Chair's correspondence, scrutiny reports and recommendations and the response of the PSB and Programme Boards will be reported in the PSB Annual Report.

### **Openness and Transparency**

All scrutiny meetings are open to the public and may be webcast. Members of the public may contribute to a scrutiny committee meeting in line with the Council's Constitution and at the Chair's discretion.

Scrutiny committee agendas and minutes are available on the Council's website ([http://www.wrexham.gov.uk/english/sections/council\\_democracy.cfm](http://www.wrexham.gov.uk/english/sections/council_democracy.cfm)). On occasion, the committee will consider issues of a confidential nature (as defined by the Local Government Act 1972) and on such occasions this information will not be publicly available and any members of the press or public will be asked to leave the meeting whilst consideration of that item takes place. Advice is necessary from the WCBC Monitoring Officer as to whether all or some of the evidence or information to be submitted to a meeting might fall into either of these categories.

PSB meetings are not open to the public. PSB Agendas and minutes are available on the PSB's website (<http://www.wrexhampsb.org/>)

### **Arrangements for Review**

The PSB Support Officer and Scrutiny Facilitators will update Schedules I-III as required.

The Scrutiny Coordinating Group and the PSB will review this Protocol as required, to reflect any relevant changes with regard to the PSB or the Local Authority. Any changes will need to be agreed by the PSB and CPR&GSC.

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### **Schedule I**

Public Services Board Membership

The four statutory members of the Board are:

- Wrexham County Borough Council (Leader & Chief Executive)
- Betsi Cadwaladr University Health Board (Area Director, East)
- North Wales Fire & Rescue Service (Chief Fire Officer)
- Natural Resources Wales (Head of Operations, North Wales)

Individuals may be designated to represent any of the named persons above.

The following statutory invitees are invited to participate in the PSB's activity, work jointly with the PSB, take part in Board meetings and provide other advice and assistance:

- The Welsh Minister
- The Chief Constable of North Wales Police
- The North Wales Police & Crime Commissioner
- Wales Community Rehabilitation Company
- National Probation Service
- Association of Voluntary Organisations in Wrexham (AVOW)

The PSB must engage with key partners in the area who have a material interest in the well-being of Wrexham or who deliver important public services. The PSB has identified partners to become invited participants, with the same rights as the other invited participants and this membership will be subject to review as required:

The PSB's Terms of Reference PSB state that ordinary meetings of the PSB will take place, as a minimum, four times a year and that quorum is all of its statutory members.

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## **Schedule II**

### **Contact Information**

General enquiries about the work of the PSB should be directed to Michael Cantwell, Performance Improvement & Partnerships (PIP) Team at [michael.cantwell@wrexham.gov.uk](mailto:michael.cantwell@wrexham.gov.uk) or 01978 292276.

Enquiries relating to scrutiny committees should be directed to the following contacts:

- Customers Performance Resources & Governance Scrutiny Committee – Suzanne Price, Scrutiny Facilitator [Suzanne.Price@wrexham.gov.uk](mailto:Suzanne.Price@wrexham.gov.uk) 01978 292179

- Safeguarding Communities & Wellbeing Scrutiny Committee - Suzanne Price, Scrutiny Facilitator Suzanne.price@wrexham.gov.uk 01978 292179
- Lifelong Learning Scrutiny Committee – Craig Stevens, Scrutiny Facilitator Craig.Stevens@wrexham.gov.uk 01978 292253

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## **Schedule III – Excerpt from Welsh Government Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Service Boards.**

### **Roles for overview and scrutiny committees**

There are three main roles overview and scrutiny committees may engage in providing democratic accountability to the PSB.

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a subcommittee or task and finish group.

### **(i) Reviewing the PSBs governance arrangements**

In providing committees with the power to review the board's governance arrangements, elected members have the means to examine the systems and processes by which the PSB functions, as well as the ability to review its activities and outputs. In this way, committees are empowered to develop a more rounded analysis of how the quality of partnership working affects the economic, social, environmental and cultural well-being of their area. A review of the PSBs governance arrangements may include examination of the PSBs terms of reference (as described in statutory guidance), and may consider:

### **Decision making and forward work planning**

- The board's terms of reference and how it plans and manages its forward work programme.
- How the board makes decisions as a strategic partnership.

### **Membership and Engagement**

- What change needs to happen within the PSB and wider partnership framework to embed the sustainable development principle?
- How the board involves people who are interested in the improvement of well-being in an area and how it is ensured that those persons reflect the diversity of the population of the area served by the board.
- The procedure for resolving disagreements between members relating to the board's functions.
- How the board manages its membership to include examination of statutory member representatives, invited participants and the extent to which designated representatives have the authority to make decisions on behalf of the organisation they represent.

- How the board seeks to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work.

### **Performance management arrangements**

- How the board monitors and reports progress, to include consideration of performance indicators and standards for public service boards (where they have been set).
- The functions and performance of any sub-groups established by the board.
- How the board identifies and manages risk.
- How the board interrelates with the Auditor General in Wales, the Future Generations Commissioner and the Welsh Ministers with regard to discharging its statutory functions.
- How the PSB assesses and learns from its own performance.

### **Resources and relationship building**

- How the board resources the functions it must undertake which are a responsibility of all the statutory members equally. For example, the undertaking of the local well-being assessment and the development of the local well-being plan.
- The level of investment the PSB think necessary to make in strengthening relationships between different members to help the board function effectively as a team.
- The level of resource the PSB thinks necessary to support effective governance practices including preparation of evidence for overview and scrutiny.

In addition to reviewing the PSB's governance arrangements, overview and scrutiny committees have wide-ranging powers to review or scrutinise the decisions made or actions taken by the public services board.

These investigative powers serve to enable overview and scrutiny fulfil two additional roles; firstly, as a statutory consultee regarding the draft well-being assessment and well-being plan, and secondly to monitor how effective the PSB performs collectively in implementing the well-being plan and reflecting on performance to better contribute to the PSB's planning cycle.

### **(ii) Scrutiny as statutory consultee**

The Act identifies that the public services board must consult with overview and scrutiny committees (in addition to other named consultees) regarding the preparation of both its assessment of local well-being and its local well-being plan.

#### **- Well-being Assessment**

In being consulted upon the PSBs draft well-being assessment, overview and scrutiny committees may wish to explore the following as a means to help strengthen its process and content:

1. Whether locally determined outcomes have been developed. If so, what is their relationship to the well-being goals?
2. The extent to which the process of developing the assessment has been undertaken according to the sustainable development principle. For example, how have different organisations worked together using the five ways of working to develop a comprehensive assessment of economic, social, environmental and cultural well-being of the area?

3. The way in which information from the population assessment required under the 2014 Social Services and Well-being Act has been triangulated with the well-being assessment. Does the assessment provide some analysis as to how identified needs correspond to conditions of well-being and place?
4. Does the assessment include in its analysis the well-being of categories of persons such as people considered to be vulnerable, people possessing a protected characteristic, children (including looked after children, those in foster care and care leavers), carers and people who may have need for care and support?
5. How well have the enablers and barriers to well-being been identified over the short, medium and long term?
6. The extent to which the assessment has identified the area's strengths and assets and how these might be utilised to help prevent problems occurring or getting worse in future.
7. How robust is the evidence base underpinning the assessment? Do different types of evidence contradict each other? What gaps in evidence have been identified as a result of the assessment and how these are intended to be addressed?
8. Whether attempts have been made to identify what improvement would look like as it relates to economic, social, environmental and cultural well-being in the area. What would indicate that improvements were being made or not?
9. Have attempts been made to provide some comparison of well-being within Wales and with other high performing areas across the UK?
10. Does collaborative working encourage deeper integration across public bodies and organisations, and is this likely to result in better experiences for citizens when undergoing transition between service providers?

#### **- Well-being Plan**

In being consulted upon the PSBs draft well-being plan (or any changes made to an amended wellbeing plan), overview and scrutiny committees may wish to divide their consideration into two components:

- How local objectives have been set,
- the steps the board proposes to take to meet identified objectives.

#### **Setting objectives**

In considering how the PSB has set collective objectives, an important role for overview and scrutiny is to determine the relationship between the **individual** well-being objectives that have been set by PSB Members as public bodies, and the well-being objectives that have been **collaboratively** identified by the PSB.

To assist them to strengthen the overall quality of the plan, overview and scrutiny committees will have access to the advice the Future Generations Commissioner will have provided to the PSB. This will provide information on how the PSB may take steps to meet their local objectives in a manner which is consistent with the sustainable development principle. It is also important to highlight that the Act provides for the Welsh Ministers to refer a PSB's wellbeing plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

In evaluating the quality of the plan, overview and scrutiny committees may wish to explore the following issues with members of the PSB:

1. How has the well-being assessment been used to identify well-being objectives?

2. How responsive are the objectives to addressing the issues arising from analysis of the wellbeing assessment? What evidence is there to show this?
3. What is the 'theory of change' behind the formulation of well-being objectives? Is the PSB able to describe and illustrate how and why a desired change is expected to happen **over time** within the local context.
4. How do the objectives link to the well-being goals, and how do the objectives relate to one another?
5. How is it possible to see the extent to which the objectives have been set in accordance with the sustainable development principle?
6. Can it be said that the well-being plan reflects where the board has decided that collective action can be taken to have a positive impact on well-being in the area?
7. How do the PSB's well-being objectives correspond to the individual well-being objectives of the partners constituting the PSB? To what extent have they been reproduced in the wellbeing plan?
8. What evidence is there to show that the PSB have set objectives that maximise the 'collaborative advantage' that can be brought about by partnerships? How is the PSB able to show it is aiming to create new value through its well-being objectives?
9. How far do the objectives reflect the PSB's level of ambition for improving the well-being of people and place?
10. How far has advice from the Future Generations Commissioner and other Welsh Government Commissioners been taken into account when developing the plan?

### **Action planning**

Paragraph 97 of the statutory guidance identifies that the board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. However, the guidance specifies that it is for the board to: "...form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area."

As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions relate to ownership, the sustainable development principles, time-frames and their likely impact on delivery. Committees may wish to consider the following questions:

1. How likely is it that the actions identified relate to the achievement of the well-being objectives?
2. How can it be evidenced that the actions identified represent the maximum agency and influence able to be committed by the PSB working collectively?
3. How well are the time frames in which actions are intended to take place specified? Does the plan provide for opportunities to review and reflect on whether actions are resulting in desired impact, or whether a change in approach is needed?
4. Who is responsible for delivering on the actions leading to the achievement of objectives?
5. How do the actions identified in the plan link to the actions of partners that are engaged in the work of the PSB?
6. How has advice and guidance provided by the Future Generations Commissioner been used to enhance the quality of the action plan?
7. How will the PSB be able to assess whether identified actions are resulting in measurable change in the short, medium and longer term?
8. To what extent will user experience be used to determine the impact actions are having upon different aspects of well-being in different parts of the area?

9. What flexibility does the PSB have in changing actions contributing to local well-being objectives if needed?

### **Assessing delivery of the Well-being Plan**

A PSB is required to prepare and publish a report detailing the progress made towards meeting local well-being objectives no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity. Subsequently, an annual report must be published no later than one year after the publication of each previous report. The PSB must send a copy of its annual report to overview and scrutiny. The actions referred to in the questions may be interpreted as the 'steps' taken by the PSB to meet local objectives.

An important role for overview and scrutiny is to monitor and assess how well the PSB has delivered as a collaborative partnership on the actions intended to achieve local well-being objectives. It may wish to explore the following issues with members of the PSB:

1. To what extent have intended actions been delivered within the timescales specified? How much progress has been made towards meeting the well-being objectives? How far have the PSB's expectations been met?
2. What lessons has the PSB learnt as a result of progress to date? How will these lessons be incorporated into the PSB's planning cycle and how the PSB operates as a partnership?
3. What have been the resource implications of delivering on the well-being plan?
4. How has delivering as a collective impacted on the delivery of individual well-being objectives in accordance with the sustainable development principles?
5. What unintended consequences have arisen from delivering against the well-being plan? What are the main factors that have impacted upon delivery?
6. What gaps in data have been identified as a result of delivery? How have these gaps been identified?
7. To what extent has service user experience been used to assess collaborative performance delivery? What other methods have been used to evaluate effectiveness and impact?