

PSB Scrutiny Committee

18th July 2019

Scrutiny briefing: Governance of the PSB, PRB and PSB Scrutiny Committee

Reason for report:

The PSB Scrutiny Committee had experienced some uncertainty regarding to whom queries should be addressed, in particular with regard to the following two matters:

1. A request at the meeting of PSB Scrutiny on 20th September 2018 namely 'What action is proposed by the PSB to ensure that common processes are used by Powys County Council and Powys Teaching Health Board utilising WCCIS system as an enabler to achieve the integration of health and care services'.

This was considered at the meeting of the PSB on the 28th March 2019 with the following minute noted: *'Carol Shillabeer as the officer responsible for the roll out of WCISS in Wales offered to respond the Scrutiny questions. It was noted that the questions would have been better directed to the RPB as the PSB was not responsible for the implementation on WCCIS. HD would raise this with the Scrutiny Manager at PCC.'*

2. The governance for Steps 11 and 12 of the Well-being Plan which appear to be using a project (the North Powys Well-being Project) to deliver the Steps with the body responsible for delivering this project being the Regional Partnership Board. The minutes of the PSB meeting on the 13th September 2018 note: *'The ambition set out in steps 11 and 12 fits closely with the aims of the North Powys project to develop a new integrated model of care being overseen by the RPB. Further work was required to ensure the aims set out in the two steps can be properly achieved through this alignment, and that PSB members can feel assured regarding oversight and delivery. Similarly, RPB*

members need to be in support of any changes to the objectives set out in the new model of care.'

The PSB acknowledge the need for a clarification of the arrangements between the PSB and RPB with the following minute: *'PSB asked for the arrangements for sharing information with the RPB to be formalised with reports and minutes being shared.'*

The issues outlined above may also apply to Step 10 which it is understood is being undertaken by way of the Mid Wales Growth Deal. The Mid Wales Growth Deal is a partnership between Powys County Council and Ceredigion County Council and the inter-authority agreement has recently been signed. Scrutiny agreements are under discussion for the Mid Wales Growth Deal with current arrangements being undertaken within the two separate authorities but discussion is being held regarding the appetite for setting up joint scrutiny arrangements.

Legislative background

Public Service Board

The PSB is a statutory board established under the Well-being of Future Generations (Wales) Act 2015 which also included arrangements for the scrutiny of the PSB.

Section 35 of the Well-being of Future Generations (Wales) Act 2015 states the following:

35 Overview and scrutiny committee of local authority

(1) Executive arrangements by a local authority under Part 2 of the [Local Government Act 2000 \(c. 22\)](#) must ensure that its overview and scrutiny committee has power—

(a) to review or scrutinise decisions made, or other action taken, by the public services board for the local authority area in the exercise of its functions;

(b) to review or scrutinise the board's governance arrangements;

(c) to make reports or recommendations to the board with respect to the board's functions or governance arrangements;

(d) to consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;

(e) to carry out such other functions in relation to the board as are imposed on it by this Act.

(2) An overview and scrutiny committee must send a copy of any report or recommendation made under subsection (1)(c) to—

(a) the Welsh Ministers;

(b)the Commissioner;

(c)the Auditor General for Wales.

(3)An overview and scrutiny committee may, for the purpose of exercising a power mentioned in subsection (1), require one or more of the persons who may attend a meeting of the public services board (see paragraph 7 of Schedule 3), or anyone designated by such a person, to attend a meeting of the committee and provide it with explanations of such matters as it may specify.

(4)Where a local authority has more than one overview and scrutiny committee, the references in this Part to its overview and scrutiny committee are to the committee that the local authority designates for the purposes of this section.

The Powys Public Service Board Scrutiny Committee has been set up to fulfil the scrutiny function in this regard.

The Public Service Board Terms of Reference include the following references to scrutiny:

- **MEMBERS AND INVITED PARTICIPANTS: ROLES AND RESPONSIBILITIES** - To ensure that the work of the Board is available for **scrutiny**
- **CLERK / SECRETARIAT: ROLES AND RESPONSIBILITIES** - Support the preparation of evidence for **scrutiny**
- **ACCOUNTABILITY** - The decision made by the Powys PSB, actions taken and its governance arrangements are subject to **scrutiny** by a bespoke Powys County Council **Scrutiny** Committee
- **ACCOUNTABILITY** - The **Scrutiny** Committee will scrutinise, evaluate and actively promote improvement in work carried out in line with Powys PSB priorities as identified through its Wellbeing Assessment; Well-being Plan and its Terms of Reference and not that of those individual constituent organisations represented on the Powys PSB.

Regional Partnership Board

The RPB is a statutory board established under the Social Services and Well-being (Wales) Act 2014 (Part 9) and the Partnership Arrangements (Wales) Regulations 2015.

This legislation contains no explicit reference to scrutiny arrangements for this Board.

Across Wales there are seven Regional Partnership Boards demonstrating a variable approach to transparency:

- North Wales Regional Partnership Board – minutes online
- Western Bay Regional Partnership Board – agendas and minutes online
- West Wales Regional Partnership Board – agendas and minutes online

- Cardiff and Vale of Glamorgan Integrated Health and Social Care Partnership – one agenda and set of minutes appear online from October 2018
- Cwm Taf Social Services and Wellbeing Partnership Board – agendas and minutes online
- Gwent Regional Partnership Board - one agenda and set of minutes appear online from October 2018
- Powys Regional Partnership Board – key documents and minutes appear covering the period April 2016 – April 2017 only

Mid Wales Growth Deal

A draft Inter Authority Agreement was approved under Section 20 of the Local Government Act 2000 between Ceredigion County Council and Powys County Council by Powys Cabinet on the 9th May 2019 which allows for the joint exercise of functions.

Joint Scrutiny arrangements for the Mid Wales Growth Deal Board, if the two authorities choose to make such formal arrangements, would be arranged under the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013. Less formal arrangements could also be considered.

At present the Co-ordinating Committee has assigned scrutiny of the Mid Wales Growth Deal in Powys to the Economy, Regeneration, Communities and Governance Scrutiny Committee.

The Co-ordinating Committee has asked for a further paper on Governance arrangements to try to ensure that scrutiny of individual projects takes place in the most appropriate arena and is not duplicated.

Issues

The Powys PSB appear to have delegated the implementation of Steps 11 and 12 to the Regional Partnership Board for which no scrutiny arrangements are prescribed.

The Powys PSB have acknowledged the need for a clarification of the information sharing arrangements between the PSB and RPB.

The Powys PSB appear to be using the Mid Wales Growth Deal to implement Step 10. Separate governance including scrutiny arrangements are being discussed in respect of the Mid Wales Growth Deal.

Powys PSB Scrutiny Committee are tasked with scrutinising the work of the Powys PSB but separate governance arrangements appear to be in place to a greater or lesser extent for some of the Steps.

Recommendation

The PSB Scrutiny Committee consider the issues outlined above and identify what further action may be required.

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