

## **AUDIT COMMITTEE**

Date Written	18 <sup>th</sup> September 2019
Report Author	Susan Gow
Service Area	Environmental Health
Committee Date	19 <sup>th</sup> December 2019

*To: Chair, Ladies and Gentlemen*

# **Wales Audit Office Report ‘Delivering with Less- Environmental Health Services – Follow Up Review – Merthyr Tydfil County Borough Council’**

## **1.0 SUMMARY OF THE REPORT**

- 1.1 The purpose of the report is to provide the audit committee with an update on the actions taken in response to the findings of the Wales Audit Office (WAO) report issued in December 2018 titled **“Delivering with Less- Environmental Health Services – Follow –up Review- Merthyr Tydfil County Borough Council.”** The report looked at the impact of cuts in resources and the ability of the environmental health service to deliver its statutory functions. The report was a follow up to a comprehensive study of all 22 Local Authorities (LA’s) that was undertaken in 2014.
- 1.2 The overall findings of the follow up review were that environmental health resources have reduced and the Council cannot demonstrate that it is delivering all its statutory environmental health services.
- 1.3 The WAO report made 2 recommendations for improvement:
- (a) The Council needs to assure itself that it can deliver its statutory environmental health services.
  - (b) The Council needs to put a better mechanism in place to review the delivery of its environmental health services.

1.4 In response to the recommendations above the Environmental Health Manager has:

- Carried out an evaluation of Environmental Health Services against the Chartered Institute of Environmental Health revised Practice Standards.
- Reviewed the current risks recorded on the corporate risk register to establish which of these risks have been realised as issues.
- Completed the first stage of the Corporate Self Evaluation performance framework exercise on outcomes.

## **2.0 RECOMMENDATION(S)**

2.1 That the committee discusses and comments on the issues set out in the report.

2.2 That the committee identifies any further information they would like to receive.

## **3.0 INTRODUCTION AND BACKGROUND**

3.1 Following receipt of the Wales Audit Office (WAO) report issued in December 2018 titled ***“Delivering with Less- Environmental Health Services – Follow –up Review- Merthyr Tydfil County Borough Council.”*** the Councils Audit Committee met in June 2019 to discuss the findings of the report.

3.2 The WAO report noted that the Council has numerous statutory environmental health duties and that these services directly impact on the health, wellbeing and safety of residents and visitors.

3.3 The overall findings of the review were that environmental health resources had reduced and the Council cannot demonstrate that it is delivering all its statutory environmental health services.

3.4 Staffing numbers have reduced significantly since 2014. It notes that the Council is dependent upon the knowledge and experience of a small number of staff.

3.5 As part of the Councils efficiencies the report states that the environmental health services budget has decreased significantly since 2013-14. It also notes that in real terms this is compounded if inflation is taken into account.

3.6 Despite the decreases in budget there has been a consistent underspend which they conclude is as a result of having to find efficiencies to help balance the Councils budget.

3.7 The reduction in staffing and finance need to be considered against a background of increasing statutory duties. In 2014 the WAO expressed concern that the Council would find it increasingly difficult to take on new statutory duties and that concern remains.

- 3.8 Two proposals for improvement were made:
- The Council needs to assure itself that it can deliver its statutory environmental health services.
  - The Council needs to put a better mechanism in place to review the delivery of its environmental health services.
- 3.9 At the request of the Chair of the Councils Audit Committee the report was brought before scrutiny in June 2019.
- 3.10 The Committee acknowledged the reduction in staffing levels which had taken place since 2014 with a loss of 6.5 FTE (an additional member of staff had been lost since publication of the report) and the corresponding decrease in the budget.
- 3.11 Members of the committee requested clarity the structure of the department given that there had been a number of staffing changes resulting from VER, retirement and maternity leave and that a significant proportion of staff work part time. A diagram of the structure was provided following the meeting and is included in the background papers.
- 3.12 The committee were not satisfied that the WAO had identified any areas where the Environmental Health Service was failing to meet its statutory obligations, as none were cited in the report. However, some concerns were raised by members about the levels of service delivery including the recent decision to cease the Councils dog warden service following the loss of a member of staff to the efficiencies agenda.
- 3.13 In response to the WAO report recommendations the Environmental Health Manager has:
- Carried out an evaluation of Environmental Services against the Chartered Institute of Environmental Health revised Practice Standards.
  - Reviewed the current risks recorded on the corporate risk register to establish which of these risks have been realised as issues.
  - Completed the first stage of the Corporate Self Evaluation performance framework exercise on outcomes.

## **4.0 WHERE WE WERE**

- 4.1 In 2014 as part of the WAO the environmental health service was assessed against the professions Chartered Institute of Environmental Health Wales Best Practice Standards.
- 4.2 The Standards are intended to be a tool for use by local authority environmental health departments to assist in designing, developing, resourcing, assessing and reviewing their service across a broad range of functional /specialist areas including;
- Communicable Disease Control
  - Food Safety Control
  - Health and Safety

- Recruitment Training and Development
- Port Health
- Pest Control
- Dog Control
- Pollution Control
- Community Safety
- Licensing
- Private Housing
- Health Improvement

4.3 Having assessed those services delivered by the Councils Environmental Health Service against the then Best Practice Standards, analysed staffing and finance data and sought views from staff, members and the public the WAO concluded:

*“the Council is delivering environmental health services at above minimum levels” but they also noted . “The Council will find it difficult to take on new statutory duties that protect the public and the environment”*

## **5.0 WHERE WE ARE NOW**

### **5.1 Chartered Institute of Environmental Health Practice Standards**

5.2 One of the criticisms in the follow up WAO report is that the service does not routinely assess its performance against the Practice Standards, which according to the Standards should be undertaken annually.

5.3 Following the 2014 audit the Standards were developed at two levels “required” and “better” in place of the former three “good”, “better” and “best”. Reasons for this included the need to reflect the current climate of austerity. It was felt that 3 levels might give the perception of gold-plating services when the highest level is attained. In more recent years it had become apparent that in many areas of the Standards having 3 levels added little value and two would suffice.

5.4 An evaluation of performance has been undertaken against the revised Practice Standards and a RAG status produced against the individual elements of each of the following service areas:

- Generic
- Communicable Disease Control
- Food Safety Control
- Health and Safety
- Pest Control
- Dog Control
- Pollution Control
- Private Housing
- Copies of the completed standards are included in the background papers for reference.

5.5 Comparison with the Practice Standards has revealed that some service areas are fully compliant with the required standard e.g. communicable disease control, pest control and private sector housing.

- 5.6 However, in some areas the service falls short of the required practice standard and statutory level expected e.g.:
- 5.7 The food team undertake an annual programme of inspections which is based on risk and consistently achieves 100% of high risk inspections due. However, the service falls short of carrying out inspections within 28 days of their due date and inspecting new businesses within 28 days of opening. Inability to meet inspection targets and timelines laid down in statutory codes of practice has already been identified and has been flagged in successive reports to Cabinet and by an audit carried out by the Food Standards Agency. The Food Standards Agency audit which reported in February 2019 states in the action plan which is published “7.22 (i) Ensure that food hygiene interventions/inspections and AES are carried out at the minimum frequencies specified by the Food Law Code of Practice. [The Standard -7.1] The risk of intervention by an external agency has been flagged in the corporate risk register.
- 5.8 Authorisation of food safety officers in relation to food safety enforcement is also an issue which has been raised by the Food Standards Agency as requiring review so that they meet the specific requirements of the most recent Food Law Code of Practice.
- 5.9 Our activity in terms of undertaking health and safety interventions in businesses has been reduced to the minimum level which will not trigger intervention by the Health and Safety Executive. However, the information contained on our database which is used for work planning is not fit for purpose. This means that we do not currently produce a health and safety service plan which meets all of the requirements set out in the Health and Safety Executives Local Authority Enforcement Code and the intervention plan that we currently produce in lieu of a service plan is not approved or published. The risk of intervention by an external agency has been flagged in the corporate risk register.
- 5.10 In terms of pollution control a report to scrutiny in January 2018 identified that the successful delivery of the Air Quality Action Plan (AQAP) is dependent on capacity being maintained and this has already been reduced by the loss of an Environmental Health Technician in April 2019.
- 5.11 We are still trying to deal with the results of the cuts in staff which were implemented in April 2019. In particular we discontinued our dog warden service (delivered by an Environmental Health Technician as part of a suite of duties) and we have already experienced public outcry over the loss of this service. There has been a knock on effect to local vets and charities e.g. a local vet surgery recently had to call the police as a direct result of the service being withdrawn. Damage to the LA’s reputation has resulted and there have been negative posts on social media. Going forward it is likely, that at some point, there will be an incident involving a stray dog, as members of the public have no option but to take stray dogs some distance to a reception centre out of the Borough. An incident will result in further damage to the LA’s reputation and possible litigation. It may also be the case that the number of stray dogs on the streets increases longer term. Loss of reputation and possible legal challenge has been flagged in the corporate risk register.

- 5.12 Policies and procedures are in place, but not for all work areas and some strategic documents have not been reviewed for a number of years e.g. contaminated land strategy and strategy for dealing with empty properties. There are currently no measures in place to ensure the new Local Toilet Strategy is implemented.
- 5.13 Whist reduction in resources has so far been mitigated so that there has not been a significant failure to deliver statutory services the time periods for compliance have been stretched, resulting in an upward trend in customer complaints and referrals to Assembly members. An increasing proportion of time is being spent dealing with these complaints/chasing letters and emails instead of front line service provision. This was a risk identified in the corporate risk register which has now been realised.
- 5.14 The most pressing issue which is likely to impact on our ability to deliver statutory services at the required level going forward is a lack of resilience and over reliance on a small number of highly qualified and experienced individuals. This was highlighted in the WAO report. Specialist training is also expensive and has become an issue as staff numbers have reduced. We are becoming increasingly reliant on single points of dependency (SPODS) and are vulnerable if individuals seek employment elsewhere, take sick or maternity leave. This has become apparent over the last 12 months and has been compounded by a lack of suitably qualified and experienced officers in the market place. This risk has also been flagged in the corporate risk register and is now being realised.
- 5.15 Part of the problem is that there is a general lack of understanding about the range and importance of services we provide. The environmental health service is holistic; there are numerous interdependencies between the component services being delivered. This provides depth and resilience, but as the number of officers decreases' understanding these interdependencies is increasingly critical to effective decision making. Transference of functions, or ceasing a service, can have a range of unintended consequences and significantly undermine other service areas.
- 5.16 Our ability to mount an out of hour's response is at risk. We haven't failed as yet, but any out of hours response is entirely dependent on officer good will and as the pool of officers declines so does availability, particularly where a sustained out of hours response may be needed.
- 5.17 Redeployment of resources from within the service is sometimes necessary to deal with emergency situations where the public are at risk e.g. fatal accident, outbreak, pollution incident and may have far reaching consequences if we are unable to mount a response. These events are not as rare as it might be perceived; members often ask when we last had an outbreak because they are dealt with without becoming wider public knowledge. As a LA we have been involved in 3 high profile, major outbreaks (e coli, legionella and cryptosporidium associated with our own leisure pool) which resulted in serious life threatening conditions and deaths. In addition business as usual involves investigating numerous smaller outbreaks and sporadic cases annually. Communicable disease outbreaks inevitably involve out of hours working and are currently dealt with on a good will basis. There is no suggestion that this good will would be withdrawn but the pool of experienced staff able to deal with incidents will be smaller and will become unsustainable even with a small reduction in staff.

- 5.18 In addition we already have reduced capacity for out of hours working, this is particularly relevant as many complaints can only be investigated out of normal office hours, or businesses inspected at night time or on weekends. Further reduction in staffing will make this element of the service unsustainable as one member of staff on sick, or holiday leave will leave us below critical mass. This has implications for the effectiveness of other services particularly licensing in relation to event planning where monitoring for statutory nuisance may be required.
- 5.19 As a service we are becoming less proactive in terms of protecting public health and more reactive. Missed opportunities to undertake proactive public health initiatives to effect longer term public health benefits by bidding for small pots of external funding e.g. this year we have not bid for some funding because of a lack of capacity to deliver the work required.
- 5.20 It should also be noted that 2 of the part time posts are currently being funded as fulltime (one in Environmental Protection and Housing and one in the Public Health Team) using grant/reserve money for specified periods so capacity will reduce over the next couple of years by another 0.2 full time equivalents by 2021.

## **6.0 CONCLUSION**

- 6.1 Overall there is no evidence that the LA is significantly and systemically failing to deliver its statutory environmental health services. However, there are areas identified where improvement is required and risks identified in the corporate risk register have become issues. There is evidence that the service is at a tipping point and on the cusp of becoming unsustainable.

## **7.0 WHERE WE WANT TO BE**

- 7.1 The service is staffed by competent staff and has sufficient resources to address identified need and provide consistent advice and guidance to citizens. The role environmental health services play across the County Borough is positively promoted.
- 7.2 The service holds comprehensive performance data that is used to identify key priorities for improvement/development. Performance data is regularly monitored and analysed to establish the impact of services delivered. The findings are shared widely with officers, Elected Members and communities, as well as with regulatory bodies and key funders.
- 7.3 The service complies/meets all statutory and regulatory requirements within the required timescales/reporting periods. This information is used to undertake rigorous self-evaluation to determine the priorities for improvement identified are built into a Business Improvement Plan which will be monitored to ensure progress is achieved.

## 8.0 WHAT WE NEED TO DO NEXT

- 8.1 Extreme caution should be exercised before any further reductions or changes in service delivery are made.
- 8.2 Develop an action plan to address those activities areas where service provision falls short of the required standards in the Chartered Institute of Environmental Health Practice Standards.
- 8.3 Develop an action plan to address those risks which have now become issues identified on the corporate risk register.

## 9.0. CONTRIBUTION TO WELLBEING OBJECTIVES

- 9.1 The services delivered by the Environmental Health team substantially contribute to two of the Council's four wellbeing objectives: Working Life and Environmental Wellbeing. However, the services also support the corporate objectives (Best Start to Life and Living Well) through the public protection activities it undertakes.

*Alyn Owen*  
*Deputy Chief Executive*

*Geraint Thomas*  
*Cabinet member for*  
*Regeneration and Public Protection*

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
List the Background documents which have been relied on in preparing the report. E.g. previous minutes of relevant committees	Delivering with Less- Environmental Health Services – Follow –up Review- Merthyr Tydfil County Borough Council. December 2018  Delivering with less – the impact on Environmental Health Services and citizens Merthyr Tydfil County Borough Council December 2014  Delivering with less – the impact on Environmental Health Services and citizens October 2014	All documents available in the Environmental Health Department

	<p>Spreadsheet showing staffing reductions for environmental health service between 2010/11 and 2019/20</p> <p>An Introduction to Practice Standards for Environmental Health in Wales</p> <p>Departmental Structure June 2019</p>	
<p><b>Does the report contain any issue that may impact the Council's Constitution?</b></p>		<p><b>NO</b></p>