

## ***SPECIAL SCRUTINY COMMITTEE REPORT***

Date Written	6 <sup>th</sup> March 2020
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Service Area	Environmental Health
Committee Date	17 <sup>th</sup> March 2020

*To: Chair, Ladies and Gentlemen*

### ***WAO Report: Delivering with Less - Environmental Health Services – Follow –up Review and Response Action Plan***

#### **1.0 SUMMARY OF THE REPORT**

- 1.1 The purpose of this report is to make the audit committee aware of the contents 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 looks at the impact of cuts in resources and the ability of the environmental health service to deliver its statutory functions. The report is 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 are that environmental health resources have reduced and the Council cannot demonstrate that it is delivering all its statutory environmental health services.
- 1.3 The report makes 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

#### **2.0 RECOMMENDATION(S)**

- 2.1 That the scrutiny committee discusses and comments on the issues set out in the report.
- 2.2 That the scrutiny committee identifies any further information they would like to receive.

### 3.0 INTRODUCTION AND BACKGROUND

- 3.1 In 2014 the WAO undertook a study “***Delivering with less- the impact on environmental health services and citizens.***” The study considered the impact of cuts in resources on the ability of Council environmental services to deliver their statutory obligations. As a part of that study the WAO reviewed a wide range of documents and media and undertook field work in all 22 local authorities. This included an assessment against the Chartered Institute of Environmental Health Wales Best Practice Standards, detailed analysis of revenue expenditure and staff data. In addition the WAO undertook a survey of all Council environmental health staff and all elected members and made available and promoted an on line public survey.
- 3.2 In September 2018 the WAO undertook a second review designed to follow up on themes and learning identified in the 2014 report. As part of the review two auditors from the WAO interviewed a selection of officers namely Steve Peters (Head of Public Protection and Housing), Susan Gow (Environmental Health Manager), Steve Jones (Head of Finance) Geraint Thomas (Portfolio Member) and were provided with financial reports, staffing structures and performance information. No review against the Practice Standards was undertaken.
- 3.3 A draft report outlining the WAO’s findings was issued to the Council in October 2018. The report contained a number of factual inaccuracies and comments relating to functions that were not within the remit of the Council’s environmental health service. The Council responded to the WAO highlighting the inaccuracies and supplementary information provided was to contextualise some of the comments made in the report. It is understood that the Council’s Chief Executive at the time met with the WAO but we have no information about the discussion or the outcome.
- 3.4 In December 2018, the Wales Audit office published “***Delivering with Less- Environmental Health Services – Follow –up Review- Merthyr Tydfil County Borough Council***”. The audit report was sent to the Council’s Chief Executive on the 24th December 2018; however, this was not circulated wider until 5 months later due to the absence from work of the Chief Executive. Measures will need to be implemented to prevent a similar occurrence in future.
- 3.5 The final report notes 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.
- 3.6 The overall findings of the review are that Environmental Health resources have reduced and the Council cannot demonstrate that it is delivering all its statutory environmental health services.
- 3.7 Staffing numbers have reduced by 5.5 whole fulltime equivalent officers since 2014. It notes that the Council is dependent upon the knowledge and experience of a small number of staff.
- 3.8 As part of the Council’s efficiency programme, 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.
- 3.9 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 Council’s budget.

3.10 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.

3.11 Two proposals for improvement are 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.

3.12 A request has been made by the Chair of the Council's Audit Committee that the report be brought before scrutiny.

## **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. At that time there were 3 levels of performance identified minimum, good and best practice in the following areas:

- Communicable Disease Control
- Recruitment Training and Development
- Port Health
- Dig Control
- Community Safety
- Private Housing
- Food Safety Control
- Health & Safety
- Pest Control
- Pollution Control
- Licensing
- Health Improvement

4.3 Having assessed those service delivered by the Councils environmental health service against the 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 and whilst it has increased expenditure and marginally reduced staff numbers, stakeholders have a mixed view of the management and performance of the service. 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 One of the criticisms in the follow up WAO report is that the service does not routinely assess its performance against either its environmental health statutory obligations or the Practice Standards, and there is limited member oversight of the services performance.

- 5.2 Some areas of environmental health service delivery are subject to rigorous scrutiny by external bodies and require the submission of annual statutory returns e.g. LAEMS data to the Food Standards Agency, health and safety performance data to the Health and Safety Executive (LAE 1). If the service is not meeting its statutory obligations there would be intervention by these bodies. Similarly, the service is required to submit an annual air quality report that is scrutinised by Welsh Government (WG). In 2 service areas performance is also measured via Public Accountability Measures submitted to WG namely empty properties brought back into use and the number of food businesses broadly compliant for food hygiene which is noted in the report.
- 5.3 It should also be noted that the food hygiene and food standards service are subject to external scrutiny by the Food Standards Agency and the service received a full five day audit in May 2016 the final report being published in February 2019, The report is positive about the service provided highlighting 7 strengths and 1 area for improvement.
- 5.4 It is recognised that whilst the demands on the service have increased the resources available to meet those demands has gradually decreased. A timeline showing the reduction in staff between 2010/11 and 2019/20 is contained as a background paper.
- 5.5 In addition to the decrease in the number of full-time equivalent officers (ftes); the service has also suffered significantly from the ability to recruit suitably qualified staff to cover maternity leave and to replace long serving members of staff who have left to go to alternative employment or have retired.
- 5.6 In relation to austerity, the corporate message has been for a while that we can no longer afford to run platinum services. This has necessitated the reduction in the level of service provision in a number of areas. These reductions include the Council no longer having a dog warden service, the level of health and safety enforcement in businesses is predominantly reactive with little proactive work being undertaken, the number of food samples taken for analysis has fallen significantly, advice for new business start-up is limited, pest control charges have been introduced which has had a knock on effect on the rodent population increasing pressure on other statutory elements of the service. In addition, the time taken to respond to complaints has increased, the levels of customer dissatisfaction has increased. The risks associated with reductions in capacity have been highlighted through the corporate risk assessment process and are now being realised.
- 5.7 Having specific regard to the Practice Standards, Wales Heads of Environmental Health agreed that the next iteration of the Standards should follow a fundamental review. Significantly, it was agreed that the Standards should be developed at two levels in place of the existing three. 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. Previously the Standards, at 3 levels, were referred to as Good", "better" and "best". The new Standards have two levels – "required" and "better" and have become known as "Practice Standards" dropping the word "best".
- 5.8 The review of the Standards was also intended to take account of some of the recommendations of the Wales Audit Office included in its report "**Delivering with**

*less – the impact on environmental health services”*; these included seeking to “align the work of Environmental Health with national strategic priorities”.

- 5.9 The all Wales 2014 WAO study set out to make a judgement against the then Chartered Institute of Environmental Health Wales Best Practice Standards. We therefore completed the exercise. That was not part of the brief for the follow up study.
- 5.10 In terms of comparing the level of service provision against the current Practice Standards it is acknowledged that we do not formally compare the service against the standards and record and report the findings at set intervals- there is no opportunity within the current corporate performance framework to include this data. However, having made a significant contribution to the review and re- writing of the standards, the Environmental Health Manager is aware of their content and how the service is performing against those standards.
- 5.11 Since the WAO visit the health and safety service was self-assessed in August 2018 against the Practice Standard as part of an All Wales Welsh Heads of Environmental Health exercise with all of the elements of the service given a RAG status against the required standard. Some areas of non and partial compliance with the required standard were identified.
- 5.12 A DRAFT Action Plan has been developed as a framework to respond to the recommendations made by WAO; this appears following this report as Appendix \*\*

## **6.0 WHERE WE WANT TO BE**

- 6.1 The service is staffed by competent staff and has sufficient resources to address identified need and providing consistent advice and guidance to citizens. The role Environmental Health services play across the County Borough is positively promoted
- 6.2 The service holds comprehensive performance data that is used to identify key priorities for improvement/development. Performance data is analysed to establish the impact of services delivered and the findings are shared widely with officers, Elected Members and communities, as well as with regulatory bodies and key funders.
- 6.3 The service complies with / meets all statutory and regulatory requirements within the required timescales/reporting periods and, using this information, 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.

## **7.0 WHAT WE NEED TO DO NEXT**




- 7.1 Review of the current risks recorded on the corporate risk register to establish which of these risks have been realised as issues. In the cases where this has happened; an action plan should be developed to actively address the issues identified.
- 7.2 Ensure the Action Plan be regularly updated with progress and available for review corporately, and included in future reports to Scrutiny where required.

## 8.0 CONTRIBUTION TO WELLBEING OBJECTIVES

8.1 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 Chief Officer Regeneration and Public Protection***

***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>
Delivering with Less-Environmental Health Services – Follow –up Review- Merthyr Tydfil County Borough Council.	December 2018	Report can be accessed <a href="#">here</a>
Delivering with less – the impact on Environmental Health Services and citizens Merthyr Tydfil County Borough Council	December 2014	 Merthyr Tydfil EH local summary.docx
Spreadsheet showing staffing reductions for environmental health service between 2010/11 and 2019/20	February 2020	 delivering_with_less_environmental_healthr
An Introduction to Practice Standards for Environmental Health in Wales	December 2017	 Introduction to Practice Standards.dc
<b>Does the report contain any issue that may impact the Council's Constitution? No</b>		