

# **SCRUTINY AND PERFORMANCE COMMITTEE**

Minute of meeting of the Scrutiny and Performance Committee held hybrid in the Council Chambers, 2 High Street, Perth, on Wednesday 21 September 2022 at 14.00pm.

Present: Councillor C Stewart, Bailie A Bailey, Bailie Ahern (substituting for Councillor C Shiers), Councillors K Allan, S Carr, E Drysdale, A Forbes, M Frampton, I Massie, W Robertson, and F Smith.

In Attendance: K Donaldson (Chief Operating Officer), B Renton, Executive Director (Communities); C Maller, C Guild, F Robertson, and A Taylor (all Communities); S Devlin, Executive Director (Education and Children's Services); S Johnston (Education and Children's Services); L Simpson, L Brady, J Beveridge, L Dott (for item 9), P Johnstone, K Molley, A Brown, and M Pasternack (all Corporate and Democratic Services).

Apology: Councillor Shiers

Councillor C Stewart, Convener, Presiding.

The Vice-Convener, Bailie A Bailey, led discussion on Items 6, 7 and 8.

## **1. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting and an apology was noted above.

## **2. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Bailie C Ahern declared a non-financial interest in item 5 (iii).

## **3. MINUTE OF MEETING OF THE SCRUTINY AND PERFORMANCE COMMITTEE OF 8 JUNE 2022**

The minute of meeting of the Scrutiny and Performance Committee of 8 June 2022 was submitted and approved as a correct record

## **4. OUTSTANDING BUSINESS STATEMENT**

### **Resolved:**

The status of actions in the Outstanding Business Statement, be noted.

## **5. UPDATE BY ARM'S LENGTH EXTERNAL ORGANISATIONS**

### **(i) Culture P&K**

H Smout, Chairman, delivered a five-minute slide-based presentation on Culture Perth & Kinross plans and new ways of engagement.

### **(ii) Live Active Leisure Ltd**

D McElhose, Chairman and P Cromwell, Chief Executive delivered a five-minute slide-based presentation on Live Active Leisure's customers focussed approach and ways of improving access to services.

### **(iii) Horsecross Arts Ltd**

N Williams, Chief Executive, delivered a five-minute side-based presentation on Horsecross Arts ways of engagement and community focus.

Members questions were answered. It be requested for the three ALEO'S (Horsecross Arts Ltd, Live Active Leisure Ltd and Culture P&K) to provide the Committee with a written update on improvement actions by 31 January 2023.

Councillor C Stewart thanked members from the three ALEO's for their attendance and they left the meeting.

THERE WAS A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 15.10pm.

## **6. FOI PERFORMANCE REPORT**

There was submitted a report by the Head of Legal and Governance Services (22/229) describing the Council's performance in relation to its obligations under the Freedom of Information (Scotland) Act 2022 (FOISA) and Environmental Information (Scotland) Regulations 2004 (EIR) for the year 2021/22.

In response to a question from Councillor E Drysdale regarding performance and how this compares with other local authorities, L Simpson advised that through the benchmarking tool, the performance of Perth and Kinross is very good. In response to another question from Councillor E Drysdale regarding a maximum number of requests from an individual, L Simpson advised in terms of FOI legislation there is no specific provision for maximum requests, but action can be taken to manage unreasonable behaviours.

In response to a question from Councillor A Forbes, L Simpson advises that there is not a cost per FOI. Some FOIs can be dealt with very simply and quickly, whereas others take a relatively long time to process as information is gathered from different services. In response to a question from Councillor A Forbes regarding FOIs received and if they are published online, L Simpson advised that the Council is proactive in publicising all suitable information on the website. If several requests regarding a topic are received, it is possible to then direct individuals to where information can be found and helps reduce the number of FOI requests. Councillor A

Forbes referred to the Council's target of 95% for responding to FOI requests within statutory timescales, L Simpson advised that the target is set internally and if this is met, the Council will increase the target.

In response to a question from Bailie A Bailey regarding reviews and appeals and if it is a concern that more than half of reviews are upheld, L Simpson advised that officers work with requesters to see what data is required, and reviews being upheld could be caused by human error or due to a misunderstanding of what is being asked. No operational issues have arisen to suggest a failure in processes however, it can be difficult to collate all the necessary information. She added that as we start to digitise, collating data should be made easier through back scanning and the creation of the share point system EDMS to store information.

**Resolved:**

- (i) The contents of Report 22/229, be considered.
- (ii) It be noted that performance is improving and back in line with pre-pandemic levels.
- (iii) It be noted that the number of requests for review remain a very small percentage of requests received indicating good levels of customer satisfaction in terms of the quality of responses and the effectiveness of the process.

## **7. DATA PROTECTION COMPLIANCE 2021/22**

There was submitted a report by Data Protection Officer (22/230) highlighting the professional assessment of the Council's compliance with the UK General Data Protection Regulation (GDPR) by the Data Protection Officer (as is required to be provided by here in accordance with legislation), relating to the year 2021-22.

In response to a question from Bailie C Ahern regarding data breaches recorded and if they were due to a lack of processes or training, L Simpson advised that online training and guidance is available to all staff but with employees dealing with personal information on a daily basis, then quite often a breach is a result of human error where information has been sent to the wrong individual or has not been fully redacted. Measures are in place to mitigate and manage any data breaches that do occur.

In response to a question from Councillor K Allan regarding employees who have caused a data breach, P Johnstone advised individuals could be faced with disciplinary action. In response to a question from Councillor E Drysdale regarding the four unauthorised access incidents and if this was due to a failure in IT systems, P Johnstone advised those breaches may have been caused by employees having access to a system for a particular job which holds sensitive data and have decided to look at other confidential information.

In response to another question from Councillor E Drysdale regarding email errors to the wrong participant with sensitive information, L Simpson assured that those types of incidents are also being reported. She added that through policy and guidance, managers and employees have a better understanding of our responsibilities in handling data and trying to protect personal information.

In response to a question from Councillor A Forbes regarding the fluctuation of data breaches recorded, L Simpson advised that there was a spike in the number of

breaches around three years ago. However, that was due to a training campaign and data protection policy being embedded that employees were more aware of what causes a data breach to be reported. From then, the number of breaches reported have steadily reduced and there has been no real concern raised by the Data Protection Officer.

In response to a question from Councillor I Massie regarding who reports data breach incidents to the Data Protection Officer, L Simpson advised that incidents are often reported by employees who feel they have made a data breach or the individual who notices that personal information had been shared.

Members commended staff for the small amount of data breaches recorded.

**Resolved:**

- (i) The DPO's assessment of the Council's compliance with the requirements of data protection legislation, be noted.
- (ii) The Council's Performance in terms of compliance with GDPR, be considered.
- (iii) It be noted that the DPO is confident that a reasonable degree of compliance with data protection legislations has been achieved during 2021/22 and that progress towards increased compliance across all Services will continue during 2022/23.

## **8. CORPORATE WORKFORCE PLAN 2021/23 PROGRESS REPORT**

There was submitted a report (22/231) by Corporate Human Resource Manager (22/231) providing an update on the progress of the implementation of the Council's Corporate Workforce Plan 202/23.

In response to a question from Councillor K Allan regarding a shortage of staff in certain areas, B Renton provided information on specific occupational groups and advised that staffing issues in the Planning department had been resolved. B Renton advised that there is a national shortage of HGV drivers and engineers. In areas of winter maintenance, roads maintenance and refuse collection there are plans in place to recruit and retain employees. She added that the Council have a successful track record of graduate trainees, modern apprentices, and other traineeships to encourage people to join the organisation.

In response to a question from Councillor C Stewart on how well the principles of the Perth and Kinross Offer are embedded and if there are measures in place to ensure communities feel supported, C Guild advised that in terms of the cultural change programme, around a quarter of the organisation have undertaken the employee offer experience which helps develop employees knowledge and gain a better understanding of the principles and values of the Perth and Kinross Offer. However, C Guild agreed that there is still a lot of work to be done and work is underway with Education and Children's services and the Health and Social Care Partnership to extend the number of employees participating in the offer experience. Transformation sessions are also regularly held to address challenges and analyse how staff and communities feel supported under the think yes approach.

In response to a question from Councillor E Drysdale regarding the impact of the challenging local housing market on recruitment and if this is a problem across all Peth and Kinross or more pronounced in rural areas, B Renton advised that the issue of a

shortage of housing tends to be higher in rural areas, but the housing team are working with planning on solutions to reduce problems.

**Resolved:**

- (i) the progress made in implementing the Corporate Workforce Plan 2021-23, be noted.
- (ii) notes the requirement to review and agree a new Corporate Workforce Plan in 2023 which will support the ongoing resourcing requirements and those arising from the Transformation and Change Programme and Corporate Plan, be noted.
- (iii) It be requested for future Corporate Workforce Plan Progress Reports to be considered the Finance and Resources Committee.

THERE WAS A 7 MINUTE RECESS AND THE MEETING RECONVENED AT 16.15PM.

## **9. PERTH AND KINROSS COUNCIL – ANNUAL PERFORMANCE REPORT**

There was submitted a report by the Chief Executive (22/232) providing an overview of how the Council performed in 2021/22 against the strategic objectives for Perth and Kinross, as set out within the Council's Corporate Plan 2018-2022.

In response to a question from Councillor K Allan regarding children's mental wellbeing and the service of one-to-one counselling through the counselling and schools programme, S Devlin advised that although there are trained councillors in every school, there are a variety of staff employed to support children's different health and wellbeing needs. There are also a range of other support services that young people may be referred to both in and out of school. S Devlin advised that Education and Children's Services would deliver a slide-based presentation on the different types of support that are available to young people regarding mental wellbeing.

In response to another question from Councillor K Allan, S Johnston advised that when looking at improving outcomes for children and young people it had been identified that communication and literacy skills of children in nurseries had been impacted by the pandemic. She added that several pilot literacy programmes were undertaken in conjunction with speech and language therapists. Programmes have shown to be successful and would be rolled out further.

**Resolved:**

The contents of Appendix 1 to Report 22/232, be scrutinised.