

Public Accounts Committee

Meeting Venue:
Committee Room 3 – Senedd

Meeting date:
24 April 2012

Meeting time:
08:50

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Agenda

Private briefing (8:50 – 9:00)

- 1. Introductions, apologies and substitutions (9:00 – 9:05)**
- 2. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**
Item 3.
- 3. Consideration of draft report on A Picture of Public Services (9:05 – 9:15) (Pages 1 – 32)**
- 4. Progress in Delivering the Welsh Housing Quality Standard – Evidence from the Welsh Local Government Association and the Chartered Institute of Housing Cymru (9:15 – 10:00) (Pages 33 – 44)**
PAC(4) 06–12 – Paper 1 – Chartered Institute of Housing Cymru (CiH Cymru)

Keith Edwards, Director, CiH Cymru
Elin Jones, Housing and Regeneration Manager, CiH Cymru

PAC(4) 06–12 – Paper 2 – Welsh Local Government Association (WLGA)

Victoria Hiscocks, Policy and Public Affairs Manager
Sue Finch, Housing Policy Officer
Tony Jaques, Head of Public Housing Services – Vale of Glamorgan Council

Robin Staines, Head of Housing Services – Carmarthenshire County Council

5. Grants Management in Wales – Evidence from the Welsh Government (10:00 – 11:00) (Pages 45 – 51)

Dame Gillian Morgan, Permanent Secretary to the Welsh Government
Michael Hearty, Director General for strategic planning for Finance and Performance
Arwel Thomas, Head of Corporate Governance

6. Papers to note (Pages 52 – 75)

PAC(4) 06–12 – Paper 3 – Correspondence from the Auditor General for Wales regarding Care and Social Services Inspectorate Wales

PAC(4) 06–12 – Paper 4 – Correspondence from the Welsh Government regarding Public Participation in Waste Recycling

PAC(4) 05–12 – Minutes

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted



Public Accounts Committee

Progress in Delivering the Welsh Housing Quality Standard

Evidence from CIH Cymru

Introduction

The Chartered Institute of Housing is the only professional organisation representing all those working in housing. Its purpose is to maximise the contribution that housing professionals make to the wellbeing of communities. In Wales, we aim to provide a professional and impartial voice for housing across all sectors to emphasise the particular context of housing in Wales and to work with organisations to identify housing solutions. We are committed to working with our members, the Welsh Government and all our other partners to deliver safe, warm and affordable homes for all. We welcome the opportunity to provide evidence to the National Assembly for Wales' Public Accounts Committee in relation to their inquiry on the Wales Audit Office Report on Progress in Delivering the Welsh Housing Quality Standards.

CIH Cymru backed the conclusions of the recent Wales Audit Office WHQS report which found whilst there has been considerable improvement to the quality of council and RSL housing over the past few years, more needs to be done if tenants homes are to be brought up to decent standards. The report acknowledged that many tenants in Wales have seen big improvements to the quality of their housing but pointed out that many homes will not be brought up to standard by the 2012 deadline. It also called for Welsh Government to do more to support and monitor progress toward the Welsh Housing Quality Standard. Overall, CIH Cymru is in agreement with these conclusion as we share the concerns that a 'post-code lottery' is emerging with regards to the quality of Wales' social housing stock, and that this is very unfair for those tenants who have yet to benefit from investment in their homes. Focusing on those areas where WHQS has not yet been met will need to be a key priority for Government over the rest of this term and CIH Cymru will be doing everything it can to help ensure tenants of all social landlords have access to high quality homes.

Acknowledging progress to date

It's important to acknowledge the progress that has been made towards WHQS in Wales, and the significant benefits that have been delivered as a result. The WHQS investment programme is the largest investment in housing in 30 years with up to £3billion pounds going into some of our most disadvantaged communities. We have to celebrate momentum that has been in place over the last five years in particular and the overall improvement in the quality of Wales' social housing that has been achieved as a result of this.

Other successes of WHQS include:

- tenant involvement in specifying and developing investment programmes, deciding delivery models and continuing to monitor and evaluate WHQS delivery

- The WHQS Plus agenda which has created a local economic development focus and clear regeneration links
- The i2i programme and the Can Do Toolkit which has been instrumental in ensuring this once in a generation investment doesn't just deliver kitchens and bathrooms but creates long term sustainable communities across Wales.

A report on the first three years of the i2i project, launched in March 2012 showed that 2,581 job and training opportunities have been created by the 26 organisations that have adopted the model, almost 1,400 of them in the last year. The figure equates to 15 opportunities per week, many of which are in the most disadvantaged communities in Wales. This is particularly impressive given the size of the housing budget compared with the big budgets such as Health and Education and shows that getting job and training opportunities secured through social procurement is not just a theoretical possibility. The fact that other sectors, including transport and health are now looking to housing as a leading example of how to deliver added value through their own capital programmes is testament to the impact that this agenda has had.

The WAO report does acknowledge the positive evidence of these wider benefits being achieved through WHQS work, but criticises Welsh Government for failing to instigate a clear framework for measuring these successes. We are keen to work with Welsh Government to help develop this framework over the coming months, but we also feel that the important thing is that these benefits are being delivered on the ground, creating employment and training opportunities, better health outcomes and delivering economic growth in some of Wales' most deprived communities.

Progress still to be made

Despite the progress to date, on current projections by the end of 2012 the homes of 4 out of 10 tenants will have failed to reach WHQS in 2012. One in 5 tenants will be living in non WHQS homes in April 2017. There are also concerns that once the 2012 deadline has passed the pressure to achieve and sustain the standard may weaken. This is clearly unacceptable.

CIH Cymru agrees that there needs to be better national and local leadership in relation to achieving and maintaining the standard. An important factor in this is effective monitoring of progress. We acknowledge the steps that that Welsh Government has taken to improve monitoring arrangements in recent years but there are still concerns around consistency of reporting across landlords and how this information is communicated to tenants, as well as on how certain elements such as acceptable fails are interpreted.

In March 2012, CIH Cymru in conjunction with the Welsh Tenants Federation launched a new initiative called *Focus on Delivery (FoD)*. This initiative aims to promote the positive impact that WHQS investment is having and support credible, independent and transparent scrutiny of the programme, to keep the focus on achieving and maintaining

the standard, complimenting formal monitoring arrangements by WG and periodic review by the WAO. We believe that promoting good practice could play a key role in keeping the momentum going and ensuring that the homes of all tenants reached WHQS and that they gained the associated benefits. It is our hope that that *FoD* will ensure:

- the promotion of good practice in partnership with WG and landlord and tenant organisations
- all homes reach WHQS as soon as possible
- the work is delivered to the highest standard
- the standard is maintained beyond the initial investment programmes
- the maximum added value benefits accrue to communities including local jobs and training

Alongside the *Focus on Delivery* programme, it is CIH Cymru's view that social landlords should seek to undertake independent validation of their compliance with WHQS, and that this should be common practice across the sector.

CIH Cymru strongly supports the need for universal compliance with WHQS as an urgent priority. However, one unintended consequence of the pressure, particularly on LSVTs, to deliver 5 year improvement programmes is that the impetus to provide improvements for tenants as quickly as possible does not always go hand in hand with other objectives in relation to economic sustainability and supporting local businesses as the value of work tends to favour larger contractors. i2i's 2nd Can Do Toolkit on SME friendly procurement offers practical and clear guidance to public sector buyers and social landlords in Wales on maximising supply-chain opportunities through their contracts to help ensure that WHQS momentum is maintained whilst not overlooking the capabilities of local, smaller businesses, and approach that we would strongly advocate to the Committee.

Where next?

The WAO report does state that WHQS is ambitious compared to England and Scotland however, CIH Cymru would be keen to make the point that WHQS is not a gold plated, luxury standard – it's actually the minimum standard that tenants should expect

CIH Cymru is very interested in what successor standard to WHQS might be developed. With projected dates for achieving WHQS now stretching to 2017 and beyond the introduction of any new standard within that time-frame would have to be managed extremely carefully. We acknowledge that the priority should be on meeting the current standard first, and there could be a significant impact on business plans should we decide to 'move the goalposts' at this stage. However, from our perspective this is not a good enough reason not to have a mature and open discussion about what a successor standard might look like, in conjunction with tenants and other stakeholders. We know for example, that a number of social landlords have advocated a greater focus on climate

change and energy efficiency within WHQS and this is something that we would strongly support.

Furthermore, we would welcome a greater consideration of quality issues across all tenures. We know that some of the worst quality housing stock is within the private rented sector. When WHQS was first introduced, there was an aspiration that this would also apply to private sector homes, although this has never been followed up in practice. Again, whilst we of course recognise the current fiscal challenges and constraints, we would make the case for the strong economic, social and environmental benefits that can be derived by addressing quality issues across the housing system.

Our primary concern however, is the particular challenge for authorities where tenants have voted no to stock transfer proposals. The WAO report was clear that neither Wrexham nor Swansea have a clear trajectory to meet WHQS *'within any reasonable timescale in the context of the current policy and financial framework'* and with recent no votes in Caerphilly and Flintshire, there is a pressing need to explore alternative options for no vote areas if we really do want to see national compliance. We would hope, and recommend that Welsh Government takes forward this programme of work as a matter of urgency.

Finally, there are major lessons to be learnt from the WHQS programme, not least for the Welsh Government in terms of its 'system stewardship' role – clarity, effective and timely communication and robust monitoring are all required, lessons which could also be applied to policy areas outside of housing.

Conclusion

In summary, CIH Cymru would like to see:

- Tenants of all social landlords having access to high quality homes, regardless of where they live or who their landlord is
- A greater consideration of quality issues across all tenures and a debate around a WHQS successor standards
- A clear, robust consistent framework in place for monitoring progress toward the Welsh Housing Quality Standard
- An urgent focus from Welsh Government on exploring alternative options for areas where there is not a plan in place to deliver WHQS
- A commitment to ensuring the maximum added benefits are achieved from WHQS investment, through for example continued use of the i2i Can do Toolkit approach
- For key lessons from the WHQS investment programme to be learned and shared, including with policy areas outside of housing
- Support for the *Focus on Delivery* initiative to promote good practice in partnership with Welsh Government and landlord and tenant organisations

5. Social housing currently provides 16% of homes in Wales and accommodates many vulnerable households. It is therefore extremely important that social housing is high quality and energy efficient. The estimate that 60% of social housing will reach the standard by March 2013, and 79% by March 2017 is therefore welcome, but further progress is clearly necessary if all social tenants in Wales are to have access to good quality homes within a reasonable timescale.

6. The WHQS is a higher standard than the equivalent standards in Scotland and England and sets high standards for individual homes, and also requires properties to be well managed and located in attractive and safe environments. Improving homes to the WHQS standard over a 10 year period has clearly been an ambitious target and the ability of social landlords to meet the target has inevitably been highly dependent on the availability of significant levels of investment, particularly where properties are older and in poorer condition.

7. Despite the challenges involved in securing the necessary investment the WHQS policy has clearly been very effective at increasing investment in the social housing sector over the last decade, particularly over the past 5 years. Although no robust figure exists for the investment to date on WHQS, it is clear that past expenditure has been considerable and likely to be in excess of £1.5 billion. It is estimated that over the period April 2011– April 2017 a further £2.5billion will be invested in WHQS work. The benefits of this investment are substantial with many of the most disadvantaged communities experiencing a range of wider benefits beyond improvement of individual homes.

8. Carmarthenshire for example, which set it's own higher standard in 2004, undertook a health impact study (Poortinga (2009)) which evidenced a dramatic improvement in health and fuel poverty outcomes for tenants following the upgrading of their homes:

Issue	% of tenants affected prior to upgrading	% of tenants affected following full upgrading
Fuel Poverty	41%	17%
Cardovascular health (High blood pressure)	20%	12%
Poor Respiratory health	48%	33%

13. One significant challenge has been the lack of options available to authorities that do not have the resources to bring their homes up to WHQS within a reasonable period. Over the past decade six authorities have recognised that they do not have the resources to achieve WHQS within a reasonable timescale. They have subsequently transferred their stock to a housing association following a ballot of their tenants. However a further 5 Authorities that are finding it difficult to meet WHQS within a reasonable timescale have been unable to transfer stock and access investment because the majority of tenants have not supported the transfer.

14. The difficulties that many authorities face in relation to financing WHQS are largely a result of the current financing arrangements for council housing. The review of the Housing Revenue Account subsidy (HRAs) system undertaken recently in England has evidenced that council housing has historically been underfunded by 28%. A similar level of underfunding exists in Wales and this has inevitably undermined the ability of councils to invest in their homes over many years.

15. The HRAs financing arrangements currently require Welsh Authorities with housing stock to pay £73m of 'negative subsidy' annually to the UK Treasury. This is diverting a significant level of rental income away from investment in the housing stock and any increase in rent paid by tenants does not increase the funding available for investment in the stock. The HRAs system has been dismantled in England from April 2012 and English councils are now able to retain their rental income for investment in the stock in exchange for taking on an additional level of debt. This has improved the ability of councils to take a long term strategic approach to their housing business and will increase the investment available to bring homes up to WHQS. In the longer term it will also allow Authorities to build additional council homes.

16. We understand that discussions between Welsh Government and UK treasury regarding dismantling the HRAs in Wales are underway and we hope that they will result in an early settlement that will bring the HRAs to an end. The detail of any settlement has to be agreed but we are hopeful that ending the HRAs arrangements is likely to make a significant impact in the medium to long term on the ability of Authorities to bring properties up to WHQS and sustain properties at that standard into the future.

support improvement in the strategic housing role and we will incorporate monitoring progress with WHQS within this work. Where the housing association has resulted from stock transfer, the transfer agreement and the target date for achieving WHQS provides a framework for regular monitoring of progress on WHQS of housing associations partners. Authorities also meet with other housing associations on a regular basis and although the discussions will generally focus on the delivery of new affordable housing, they will also address progress with WHQS.

22. As an increasing proportion of social housing reaches WHQS it is important that a discussion takes place about the future WHQS and any potential changes to the standard in order to minimise uncertainty. As we approach March 2013 and an increasing proportion of the stock has been brought up to WHQS it is important that the question of how WHQS can be sustained in the future is considered.

23. Clearly there is a need to address the difficulties faced by social landlords that are unable to bring all their homes up to WHQS until after 2017. The number of homes affected is estimated to be 21% of stock, with 95% of these properties owned the five local authorities where tenants have rejected transfer. It is important that there is clarity for these landlords and their tenants about the policy options available. The future of the HRAs arrangements is very important and will have a major impact on the options available to the 11 authorities with housing stock, and particularly for the authorities that do not have the necessary resources to achieve the standard for some time. Reaching a settlement with the Treasury which will allow Authorities to retain their rental income will also address the uncertainty around the proposed new rent policy and the level of borrowing which individual authorities will be in a position to incur.

24. Finally it is important that lessons are learnt from the report's findings in relation to the development and implementation of national policy, and these lessons are applied to other policy areas.

David Richards
Cyfarwyddwr Llywodraethu • Director of Governance
Prif Swyddog Cyfrifyddu • Principal Accounting Officer



Llywodraeth Cymru
Welsh Government

Darren Millar AM
Chair of the Public Accounts Committee
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13 July 2012

Dear Darren

Grants Management

I am replying to your letter of 9 May to Gillian Morgan about Grants Management, following on from the evidence session held by your Committee on 24 April 2012. I am sorry that we have not been able to respond earlier.

The text in **APPENDIX 1** takes your questions in turn and provides you with a detailed response to each of the questions that the Committee put to us.

Yours sincerely



David Richards

Weaknesses in Grants Management

1. Given the report's findings, can you inform the Committee what you have done to improve your arrangements for monitoring and intervention?

The importance of effective monitoring of grant funding has been highlighted to grant managers across the Welsh Government (WG). The Grants Management Project (GMP) has recently undertaken an exercise to benchmark all grants across the Welsh Government. This benchmarking has involved the GMP talking to all grant managers about the processes and procedures they have in place in order to identify areas of weakness against a set of minimum standards. One of the key areas highlighted was the need to ensure that effective monitoring of grant funding was undertaken. The GMP team has worked with the individual grant managers to ensure that the monitoring processes implemented are appropriate and effective. On a case by case basis, the GMP is assisting and advising grant managers to ensure that where issues are identified by the grant manager that appropriate advice and support is provided to limit risk to both the WG and the grant recipient.

The GMP is also implementing a detailed training programme which will ensure that grant managers are well trained and fully understand the need for effective monitoring and, importantly, what intervention can be undertaken when issues in project delivery are identified. This training will be mandatory for all grant managers and will include an accreditation process to ensure that grant managers fully understand their responsibility in terms of grant funding. This training programme is due to start in September 2012. In the meantime, the GMP will continue to provide advice to grant managers to ensure that they are managing the awarding and monitoring of grant funding in an appropriate and consistent way and undertake appropriate intervention action when this is deemed necessary..

2. In what circumstances do you recover misspent funds or terminate funding? I would be grateful if you could advise the Committee both in general terms on the frequency with which funds have been recovered, and any specific examples you can provide on when misspent funds have, and have not, been recovered.

The Welsh Government generally recovers misspent funds in all cases where evidence is available that grants have not been used for the purpose(s) for which they were originally provided. The recovery or reclaim of grants is a regular monthly activity and is usually prompted by any of the following factors:-

- Grants expended on activities which are deemed to be ineligible. This would be triggered by grants managers checking expenditure claims against eligible expenditure as set out in grant offer letters.
- Grant funding underspent compared to the original estimates which underpinned the funding allocation
- Evidence of potentially fraudulent activities (usually undertaken in dialogue and collaboration with police authorities)

During 2011-12 the Welsh Government recovered grants amounting to a total of £60.4m. Whilst this would initially appear to be a very significant amount it represents only 0.44% of the total funding which the Welsh Government allocates on an annual basis. This level of recovery would be in respect of funds both misspent or under-spent – we do not separately identify the different reasons for grant recovery.

Some examples of recent recoveries are as follows:-

- a) A total of **£33,300** recovered, through the courts via the Proceeds of Crime Act, from 2 individuals who had been convicted in connection with fraud at the Plas Madoc Communities First project
- b) **£135,809** recovered from a local authority in relation to a Community Equipment Capital Grant which has been running since 2006. This recovery was identified following audit of the 2010/11 grant programme.
- c) Recovery of **£110,000** from an intermediary funding body due to its failure to adequately monitor the expenditure of a Substance Misuse Action Fund grant by a charity. An individual at the charity committed an apparent fraud and is subject to an ongoing criminal action. The Welsh Government recovered the whole of the allocated funding from the intermediary body.
- d) Recovery of **£37,979.72** from a local authority in respect of an under spend on Post 16 SEN Out of County Provision. The Welsh Government's Local Authority conditions of funding state that unspent funding is subject to reclaim.

3 What support can the Welsh Government give when projects are in danger of failing?

The Welsh Government has a number of mechanisms in place to support projects, depending on the reason behind the project failing. The Welsh Government can provide both expertise and financial assistance but it must ensure that any intervention does not result in the WG taking responsibility for the direct management of the project nor in increasing the financial risk to the WG. The risk associated with providing further funding must also be considered as a financial intervention may result in further loss to the WG.

At the planning stage the grant manager would try to mitigate any risks at the outset and would introduce non-standard processes which would ensure that areas of concerns are included within the monitoring processes and are identified as soon as possible. This would usually involve detailed discussions with the grant recipient in order to gain a full understanding of the problems being encountered. Through the implementation of effective monitoring processes the grant manager should become aware of issues and concerns relating to the project long before it fails. Depending on the nature of the project, the grant manager may re-profile funding or agree to changes in the project plan which could bring the project back on track. If further funding is required, the grant manager must assess the risks associated with the delivery of the project and the potential impacts both of funding being withheld or further funding being provided.

Grants Management in Waste Recycling

4 What action has the Welsh Government taken to ensure that its waste management grant funding is used to support outcomes consistent with national waste policy?

Since 2010 'Towards Zero Waste' has been the overarching waste strategy document for Wales, which sets key strategic priorities for waste and resource management in Wales. More detailed policy is set out in subsidiary sector plans, including the Municipal Sector Plan and associated Collections Blueprint. Prior to this, national waste policy was set out in 'Wise about Waste'.

Specific grant funding through the Sustainable Waste Management Grant (SWMG) started in 2001 and since then has been used to support national waste policies as set out in 'Wise about Waste' (2002 – 2010) and 'Towards Zero Waste' (2010 – present). When SWMG started the national recycling rate for Wales was below 6% and the immediate priority was to increase this in order to meet future Landfill Directive targets. Statutory landfill limitation targets were set for Welsh local authorities in 2004 and the SWMG increased during this time.

The conditions of the SWMG defined eligible expenditure according to criteria that were related to sustainable activities that helped to prevent waste going to landfill, namely:- prevention, reuse and recycling (including composting). The grant conditions thus ensured that expenditure was consistent with national waste policy. Conditions to deliver policy included the ring fencing of the grant to waste prevention/ reuse/recycling/composting and the prohibition of expenditure on residual waste solutions. For example, the SWMG could not be spent on the treatment of residual waste, including the use of mixed material recycling facilities ('dirty' MRFs, where recyclables are removed from residual mixed wastes that have not had any prior sorting).

In addition, once the Welsh Government had identified food waste recycling as a key strategic priority, it secured additional funds to be allocated as a separately identified component of the SWMG. All local authorities were aware that food waste recycling was being prioritised and in addition what their notional allocations of SWMG were for this purpose – and are introducing separate collections of food waste..

5 What approach will the Welsh Government adopt with local authorities that plan to use grant funding to achieve the outcomes of national waste policy, but in a way that the Welsh Government does not favour? In your answer it would be helpful if you could also provide clarity on an apparent discrepancy raised with Members, whereby private sector businesses enabling co-mingled recycling have apparently been provided with grant funding, when local authorities in the same area are under pressure to persevere with curbside [sic] sorting.

National waste policy as set out in 'Towards Zero Waste' and the Municipal Sector Plan is predicated on the promotion of sustainable development (SD) to achieve sustainable outcomes. These outcomes include a reduction in ecological and carbon footprints which are required in order to contribute towards a Wales where we all live within environmental limits. This is to be achieved by moving towards a zero waste society and the achievement of 'one planet living'.

The SWMG is provided to help local authorities provide infrastructure and services to deliver these national policy outcomes.

The key area of debate that has led to disagreement between the Welsh Government and some local authorities has been around methods of collecting recyclable materials.

The Welsh Government's policy is set out in the Municipal Sector Plan and the associated Collections Blueprint.

During consultation on the Municipal Sector Plan the following question was asked:

“Do you consider that the Welsh Assembly Government should apply more prescriptive conditions to the provision of the Sustainable Waste Management Grant (SWMG) to ensure that the outcomes in Towards Zero Waste and the objectives proposed in this plan are delivered by Local Authorities? Should the Welsh Assembly Government withhold part of the SWMG from Local Authorities that refuse to provide the type of services deemed by the Welsh Assembly Government to be the most sustainable? Should payment of grant only be made on delivery of results?”

The local authority response to the consultation was that the Welsh Government should not prescribe how services are delivered, but rather that it should allow local authorities discretion in how they used the SWMG to provide recycling services. The Welsh Government responded to this by agreeing not to be prescriptive about the use of SWMG at that time.

Since this decision and publication of the Municipal Sector Plan in June 2010, the Welsh Government has been working in partnership with Welsh local authorities to (a) provide further evidence to inform the debate on methods of collection and (b) to create the Collaborative Change Programme (CCP) as a vehicle for helping local authorities to meet weight based statutory recycling targets in ways that achieve optimal sustainability outcomes.

Following extensive and data intensive research in partnership with six local authorities, Eunomia Consulting produced a report: “Kerbside Recycling Options: Wales” in which the Welsh Government's preferred approach of kerbside sort collections was shown to deliver better sustainability outcomes than co-mingled collections, with the differences accentuated as recycling levels increased.

Currently, two local authorities are working with the Welsh Government and the Waste and Resources Action Programme (WRAP) to trial a toolkit procured by the Welsh Local Government Association (WLGGA). This toolkit is using data provided by the local authorities to model sustainability outcomes (principally environmental and financial) of different approaches to recycling.

The issue of recycling methods is also included as part of a Judicial Review of Defra and the Welsh Ministers by a coalition of non-governmental organisations (NGOs) and reprocessors.

Once the evidence of the CCP modelling and the outcome of the JR are clear the Welsh Government will re-visit issues around the conditions of SWMG.

The Department for Environment and Sustainable Development (DESD) only provides direct funding to local authorities. Some indirect funding may be provided to the private sector via WRAP (who are funded by the Welsh Government). The Department for Business, Enterprise, Technology and Science (BETS) provides funding to support the protection and creation of jobs.

A large recycling facility in North Wales sought BETS grant funding to construct a Materials Recovery Facility (MRF) to sort materials from co-mingled collections. BETS consulted DESH (the predecessor of DESD) and pointed out that the MRF would serve local authorities from across the UK (where co-mingled collections are widespread) and it would not encourage Welsh local authorities to operate co-mingled collections.

Management of the company had consistently confirmed, over a period of years, that kerbside sorted materials were of a higher quality than MRF sorted materials. They

were having to operate against a background of more local authorities switching to co-mingled collections, across the UK. If the MRF were located in Wales it would provide additional employment and would of itself not compromise the Welsh Government's strategy and policy in relation to methods of recycling.

6 How do you balance the channelling of grant funding towards central policy objectives while at the same time allowing local authorities the freedom to make local choices?

As explained in response to questions 4 and 5, national waste policy is clearly presented and there is clarity over direction of travel. The SWMG itself lists areas of eligible expenditure, which are general in nature and which allow for considerable flexibility for local authorities.

The only area where there may be a conflict of approach between central policy objectives and local choices might be regarding the preferred method of collecting food waste and dry recyclables – and further work is in hand on this as described above.

7 How does the Welsh Government know that it has received value for money from the grant funding it has released for waste management?

Value for money is a key priority for the Welsh Government. In terms of individual local authorities the main indicators of value for money in the early years of the SWMG were the Wales Audit Office (WAO) [and predecessor] benchmarking clubs. As the SWMG has become an established specific grant worth a significant amount, so the Welsh Government became more concerned at the ability of the benchmarking clubs to accurately monitor financial performance.. To address this concern the Welsh Government provided funding to the WLGA to contract with Grant Thornton to assist with developing a financial template to make reporting more accurate. WLGA, WAO and Welsh Government have all worked together to create the opportunity for more accurate and timely reporting of financial data. This data is presented annually to the Ministerial Programme Board on waste. Two rounds of data have been produced showing a wide range of costs per household. The Welsh Government is challenging local authorities to address the issues of consistency, performance and value for money which arise from this and is using the CCP as a vehicle to deliver service improvement.

From a national strategic perspective, the value for money test may be applied to compliance with statutory targets for local authorities. Since 2004 local authorities have been subject to landfill limitation targets under the Landfill Allowances Scheme, which has included financial penalties of £200/tonne for exceeding the landfill limits. In each of the seven years since and for each of the twenty two local authorities the landfill targets have been met. This 100% compliance (and its avoided costs of landfill) has been resourced by the SWMG and is itself an indicator of achieving value for money.

8 What checks are made [such as scrutiny of financial plans and consideration of opportunities for efficiency savings] before waste management grant funding is released to local authorities?

The SWMG is paid quarterly in arrears and local authorities complete a quarterly monitoring form showing how much grant has been spent up to that point. Following each financial year the appointed local authority auditors check the validity of spend against the SWMG terms and conditions.

As part of the CCP local authorities are being supported to produce business plans to show how they intend to meet future recovery targets in the most sustainable ways, including the financial implications of this.

9 What guidance on value for money is offered to local authorities in receipt of grant funding for waste management?

The Welsh Government has issued guidance in the form of the Municipal Sector Plan and its associated Collections Blueprint. It is the contention of the Welsh Government that if local authorities all follow this guidance then the outcome would be an improvement in the value for money obtained from the SWMG. The benchmarking data reported to MPB supports this contention.

10 How does the Welsh Government determine the annual allocation of Sustainable Waste Management Grant to local authorities? What regard [if any] do you give to previous performance or the relative impact of different councils' proposals on the overall rate of recycling across Wales?

The total SWMG available each year is determined by the level of funding received by the Waste and Resource Efficiency Division. Once a total amount has been determined it is allocated to local authorities on the basis of the Standard Spending Assessment (SSA) formula.

Previous performance and future proposals do not, at this stage, determine levels of SWMG received by individual local authorities. The Welsh Government will keep this situation under review as the lessons from the CCP are learned and will review the basis on which SWMG is allocated in future.



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Mr Darren Millar AM
Chair of the Public Accounts Committee
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Dear Chair

CARE AND SOCIAL SERVICES INSPECTORATE WALES

As you may recall, my programme of value for money studies previously included a commitment to undertake a review of the Care and Social Services Inspectorate Wales (CSSIW). However, as I indicated in my recent briefing paper, which the Committee considered on 31 January 2012, I have now decided not to proceed with a detailed review of CSSIW. This letter explains my reasons for that decision and also summarises findings from work on CSSIW undertaken by my staff during 2011.

Concerns about the effectiveness of CSSIW's regulatory regime, specifically in respect of adult care homes (including those providing nursing care), were raised by a BBC Wales Week In Week Out programme broadcast on 25 November 2009. The BBC investigation which underpinned that programme centred on evidence collected in relation to Glyndwr Care Home in Ystrad, Rhondda Cynon Taf. Jonathan Morgan, as the then Chair of the Committee, wrote to Jeremy Colman, as the then Auditor General, requesting that the Wales Audit Office carry out an investigation of the performance of CSSIW in light of the issues raised by the BBC programme. You also wrote to Mr Colman about this matter in December 2009, in your role as Chair of the then Health, Wellbeing and Local Government Committee.

Following the Week In Week Out programme, CSSIW initiated a fundamental review and overhaul of its regulatory activities. As well as following-up the specific issues and concerns raised in relation to Glyndwr Care Home, CSSIW has since embarked on a 'Review of Regulation', leading into the development in 2011 of a wider ranging 'Modernisation Programme', which will affect the full breadth of CSSIW's regulatory activity and the way the organisation is structured. The case for change also stems from the need for CSSIW to ensure that it is able to deliver its regulatory functions effectively while, at the same time, responding to the financial pressures facing all

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public services. CSSIW is also taking action to comply with EU regulations and meet user expectations by improving its provision of on-line services and, more generally, it has needed to respond to the issues identified in the Welsh Government's February 2011 paper, *Sustainable Social Services for Wales: A Framework for Action* and the new *Social Services (Wales) Bill*.

Given the level of review and change now underway within CSSIW, I decided that it would not be helpful or productive to seek to carry out an audit of CSSIW in parallel. In arriving at this decision I also took into account the scope of the Health and Social Care Committee's current inquiry into residential care for older people, which includes consideration of the effectiveness of the current regulatory regime. I understand that CSSIW has submitted a paper to that Committee and will be giving further evidence in May 2011.

Annexed to this letter is our assessment of the action taken by CSSIW over the past two years to address some of the immediate issues of concern that emerged in late 2009, and of work taken forward as part of the Review of Regulation project and now the ongoing Modernisation Programme. Our findings and conclusions are based on a review of a range of documents supplied by CSSIW about the delivery of its regulatory functions, including the specific circumstances of its regulation of Glyndwr Care Home, and the action CSSIW has taken to improve its processes. My staff have discussed relevant matters in meetings with CSSIW senior managers, regional directors and regional regulation managers. They have also met other CSSIW staff responsible for the Modernisation Programme and for governance and information technology, as well as meeting staff from the Welsh Government's legal services team.

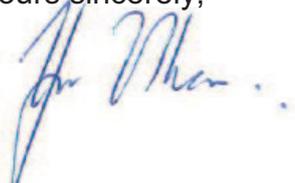
The scale of CSSIW's change programme has been significant and the direction of travel is positive. The overall pace of change has been constrained by capacity issues, including the need to balance progressing organisational change against the demands of day to day business. Nevertheless, CSSIW has improved its performance in the delivery of its planned inspection regime. It expects to complete 100 per cent of planned inspections in 2011-12, and is confident that the action it has taken to improve its regulatory processes since late 2009 has resulted in work being delivered to a better professional standard. CSSIW has made good progress with its Modernisation Programme during 2011-12 and now plans to introduce new regulatory processes, supported by a new organisational structure, from the start of 2012-13.

I retain a keen interest in the progress that CSSIW is making in implementing its change programme and the impact that has on the effectiveness of its regulatory functions. The Wales Audit Office is already represented on CSSIW's national stakeholder board for the Modernisation Programme and I will report to the Committee should any issues of significance emerge. In the meantime, I trust that you find this information helpful as a report on the progress that CSSIW is making in the light of the issues of concern the Committee raised previously.

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I am copying this letter to the Chair of the Health and Social Care Committee to inform its current inquiry, and in light of the concerns you raised when Chair of its predecessor Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Huw Vaughan Thomas', is written over a faint, light blue circular watermark or stamp.

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Enc

cc Mr Mark Drakeford AM, Chair, Health and Social Care Committee

Annex: Summary of key action taken by CSSIW that should address weaknesses in its regulation of care homes

CSSIW's regulatory activities aim to ensure that good quality care is provided in care homes

1. The Care and Social Services Inspectorate Wales (CSSIW) was created in April 2007, following the merger of the former Social Services Inspectorate Wales and the former Care Standards Inspectorate Wales. CSSIW is responsible for inspecting and reviewing local authority social services and regulating and inspecting social care and early years settings and agencies. CSSIW carries out its functions on behalf of Welsh Ministers. While professionally independent, CSSIW is part of the Welsh Government's Local Government and Communities Directorate.
2. CSSIW's regulatory functions in respect of care homes for adults, and other care settings, include:
 - *Registration*: deciding who can provide these services;
 - *Inspection*: inspecting registered services against the regulations in the Care Standards Act 2000, and reporting the results of these inspections;
 - *Complaints*: investigating and dealing with complaints – if they cannot be dealt with by providers;
 - *Compliance*: ensuring compliance with relevant regulations; and
 - *Enforcement*: taking enforcement action to ensure the requirements of the Care Standards Act 2000 and associated regulations are met.
3. At 31 December 2011, CSSIW was responsible for regulating 6,240 service settings, of which around one in nine was a care home for adults aged 65 and over¹.
4. CSSIW's regulatory activities aim to ensure that care home providers provide good quality care and comply with statutory requirements. However, *Sustainable Social Services for Wales: A Framework for Action*² emphasises that: "the prime responsibility for ensuring quality, a clear voice and control by service users, safeguarding and protection lies with organisations themselves, with professionals and with commissioners of services - and not with regulators and inspectors".
5. There is a regulatory requirement for the registered providers of care homes to undertake their own quality monitoring. Commissioning organisations

¹ Service settings and places regulated by CSSIW, 31 December 2011, CSSIW, February 2012.

² *Sustainable Social Services for Wales: A Framework for Action*, Welsh Government, February 2011.

(local authorities and health boards) should also be undertaking their own work to monitor the quality of service provision. The Welsh Government's Director General for Health and Social Services and Children has recently requested information from Health Boards about their arrangements for monitoring the quality of care in care home settings and has asked that they engage their internal auditors in reviewing those arrangements. CSSIW also plans to carry out a national review of local government commissioning arrangements.

CSSIW's 2009 review of the way it had discharged its functions in relation to Glyndwr Care Home highlighted some clear weaknesses that were unlikely to be unique to this care setting

6. On 25 November 2009, the BBC's Week In Week Out programme focused on whether vulnerable elderly people's rights were being properly protected by CSSIW. The BBC investigation which underpinned the programme centred on evidence collected in relation to Glyndwr Care Home in Ystrad, Rhondda Cynon Taf. The concerns raised with us as a result of the Week In Week Out programme related to:
- the extent to which CSSIW's regulation of care homes provides adequate assurance that they are being run by staff who are properly vetted, resourced, trained and managed;
 - whether CSSIW's monitoring and inspection procedures were sufficiently robust to ensure that care homes comply with their statutory obligations;
 - whether the sanctions available to CSSIW were being used effectively; and
 - whether CSSIW's information management processes were sufficiently robust to fully assess performance, including the extent of poor performance, non-compliance and repeat offending.
7. In response to the issues raised by the Week In Week Out programme, CSSIW undertook an immediate review of its previous regulation of Glyndwr Care Home. The review found that issues of concern at the home had been identified over a number of years, particularly in relation to medicines management. On various occasions, including following two Protection of Vulnerable Adult (POVA) referrals³ in April and August 2009 and the annual inspection in May 2009, CSSIW identified that it had missed potential opportunities to take firmer regulatory action. The review identified a range of shortcomings in CSSIW, including:

³ A POVA referral is the direct reporting of an allegation, concern or disclosure – relating to possible abuse – to a statutory organisation (local authority social services, police, or NHS body).

- Work pressures created by staff shortages. The regional regulation team for Mid and South Wales had also been dealing with numerous enforcement concerns relating to other care settings, which, it appears, had taken priority.
 - A reticence among staff to take enforcement action because they perceived that such action may not have been supported by the Welsh Government's legal services, and because of the resource implications associated with taking enforcement action.
 - A tension between CSSIW's distinct regulatory role and the role of other agencies, notably in this case the role of the police in POVA investigations.
 - Inappropriate referral of complaints and POVA referrals for local resolution. Individual care home settings are required to demonstrate that they have put in place a clear, effective and fair complaints procedure which promotes local resolution wherever possible. However, CSSIW's review concluded that, given their nature and in light of growing concerns about the performance of the registered manager, some complaints and POVA referrals in relation to Glyndwr Care Home had been inappropriately referred for local resolution.
 - Concerns about the way in which regulatory requirements⁴ had been identified and dealt with following the inspection visit in May 2009 (reported in August 2009). These concerns related to: a lack of focus on requirements outstanding from previous inspections; opportunities for the inspection report to have been clearer and more focused in identifying specific regulatory breaches: and the issue of compliance notifications at the time of reporting rather than at the time of inspection.
 - Weaknesses in underpinning quality assurance and management information systems. Staff indicated that it was not easy to access information on individual care settings. The review also pointed to an apparent lack of any comprehensive case analysis or documented chronology of events specifically in relation to Glyndwr Care Home, and to the general absence of a structured risk management process and alert system and of systems to monitor activity. Staff turnover and/or absence within the team responsible for the regulation of Glyndwr Care Home exacerbated these shortcomings in information management.
8. The review concluded that lessons needed to be learned at all levels within CSSIW and that it was unlikely that the issues raised were entirely unique to

⁴ CSSIW's inspection reports set out any formal requirements for the care setting in terms of ensuring compliance with specific regulations. The reports also identify the timescales for notifying CSSIW of action taken to achieve compliance. In addition to these formal requirements, inspection reports may identify other action needing to be taken to improve care in line with good practice.

this one care setting, or solely to the management of activity in the Mid and South Wales region.

The most recent inspection of Glyndwr Care Home, reported in June 2011, concluded that all requirements outstanding from previous inspections had been appropriately complied with, but it also highlighted areas for further improvement, particularly in relation to care planning and staffing

9. Following the Week In Week Out programme on 25 November 2009, CSSIW undertook an unannounced visit to Glyndwr Care Home on 27 November 2009, with further unannounced visits in December 2009, March 2010 and May 2010. CSSIW's next formal inspection drew on the findings from three further unannounced visits in July and August 2010. In addition to the normal inspection processes, the visits in July and August 2010 incorporated a particular focus on infection control arrangements. This work informed CSSIW's thematic review of infection control standards in all care homes for adults.
10. CSSIW published its inspection report in October 2010. The report pointed to improvements since the previous inspection (reported in August 2009) in respect of: recruitment practices and related documentation; compliance with requirements to confirm in writing to service users, following initial assessment, that the home can meet their needs; the production of an annual quality assurance report (although a requirement for quarterly monitoring visits by the registered provider was still outstanding); and improved provision of daytime activities for residents. However, the report found that the overall services and standard of care could be improved by the provision of more staff. It also pointed to the need for improved record keeping and remedial work in respect of the nurse call system and electrical installation. Infection control arrangements were also deemed to be unsatisfactory.
11. The inspection report contained 12 specific requirements, five of which related to CSSIW's findings on infection control. Of the other seven requirements, four were outstanding from previous inspections. A requirement in relation to ensuring consistency between service users' care plans developed by staff at the home and related documentation produced by commissioning services had originally been identified by CSSIW for completion by mid-April 2007.
12. The most recent inspection report for Glyndwr Care Home, dated June 2011, was based on an unannounced inspection visit in April 2011. The report pointed to ongoing concerns about staff recruitment and retention, particularly in respect of registered nurses. These concerns had been identified by CSSIW and local commissioning bodies as part of 'escalating concerns' procedures initiated since the 2010 inspection. As a result, both the local authority social services department and the Local Health Board had imposed a formal embargo on admissions. CSSIW had also had regular contact with the home since the previous inspection report in October 2010. The June 2011 report noted that improvements had been made and that the embargo had been lifted, although it emphasised that these improvements needed to be sustained to provide stability and continuity of care for service users.

13. The June 2011 report highlighted various areas for further improvement, particularly in relation to care planning and staffing. However, the issues raised did not necessitate any specific and new regulatory requirements requiring notification of compliance by the registered provider. The report indicates that the requirements outstanding from previous inspections had been appropriately complied with.
14. Since CSSIW's most recent inspection, reported in June 2011, the registered provider has changed the name of the care home to Mill View Care Home.

CSSIW has addressed some of the immediate concerns it identified in 2009 about the way it had discharged its functions in relation to Glyndwr Care Home, but a fuller response to these issues has been subsumed within a Review of Regulation project in 2010 and, since early 2011, a wider-ranging Modernisation Programme

15. The areas for action identified by CSSIW in late 2009 related to performance management and related systems; staff numbers and staff training and development; information system improvements; working with others; and broader policy implications. Several of the identified actions have since been subsumed within the scope of CSSIW's Review of Regulation project in 2010 and, since early 2011, the wider-ranging Modernisation Programme. However, more immediate action taken outside of the scope of that work has included the following:
 - At a national, regional and individual setting level, CSSIW has strengthened its arrangements in terms of monitoring and reporting progress with, and addressing any issues of concern relating to, the delivery of its regulatory functions. However, there are still recognised limitations in its information systems, and CSSIW's key performance measures are output, rather than outcome, focused. The development of performance measures that are focused on outcomes features as part of CSSIW's Modernisation Programme.
 - In strengthening line management arrangements, CSSIW has introduced more robust quality assurance processes to oversee the reporting of inspection findings and the requirements placed on providers as a result.
 - CSSIW has provided additional guidance and training for staff, notably regarding the handling of complaints and adult protection issues. This follows guidance issued in November 2009 on CSSIW's role in relation to other statutory bodies as regards adult protection policy and procedures. New Interim All Wales Adult Protection Policy and Procedures, relevant to all agencies involved in this work, were also developed in 2010 following work commissioned by the four adult

protection fora in Wales⁵. The development of these policies and procedures is but one part of a wider body of recent work on adult protection arrangements in Wales. This work has included CSSIW's own national inspection of adult protection arrangements⁶, and a report by the Welsh Government's Protection of Vulnerable Adults Project Board⁷. Building on this work, the Welsh Government's *Social Services (Wales) Bill* will include a statutory framework for adult and child protection.

- CSSIW deployed additional staff to strengthen management arrangements in the Mid and South Wales region and to address staff shortages. However, a residual concern about capacity and workloads remained in all regions, exacerbated by the impact of the Welsh Government's location strategy and voluntary severance initiatives. In addition, work undertaken by CSSIW in 2010 highlighted a lack of consistency in the way inspectors were spending their time. CSSIW had also identified more general concerns about the amount of staff time being spent on the management of complaints, notwithstanding that there will be times when local resolution is not appropriate, and in the management of registration. CSSIW's plans for organisational restructuring and the introduction of leaner processes as part of the Modernisation Programme are providing the basis for more sustainable workload management.
- CSSIW reviewed all outstanding requirements placed upon providers following inspection visits. This work highlighted issues in relation to outstanding requirements that needed following up. However, CSSIW found that providers had, in some cases, responded to these requirements, but its information systems had not been updated accordingly.
- CSSIW has developed revised guidance for staff on the use of chronologies of events and the regional managers emphasised that staff were now better aware of their importance, particularly in supporting any possible action by legal services. While they recognised the limitations of the information system used to hold regulatory data, some of the CSSIW regional managers we met emphasised that, if used properly, the system is capable of providing an overview of regulatory activity over time.
- During 2010-11, CSSIW also developed new processes for 'services of concern' reviews, which provide a more rigorous approach to reviewing

⁵ The four multi-agency fora are responsible for developing, agreeing and implementing policies and procedures for the protection of vulnerable adults. The four fora are aligned geographically with the four police authorities in Wales (South Wales, Gwent, Dyfed Powys and North Wales).

⁶ *National Inspection of Adult Protection – All Wales Overview*, CSSIW, March 2010.

⁷ *Report of the Protection of Vulnerable Adults Project Board*, Protection of Vulnerable Adults Project Board, February 2011.

available information about a particular setting and further action in terms of compliance and potential enforcement activity. CSSIW will instigate these reviews if, following an inspection and any subsequent meetings with CSSIW, the care provider still fails to demonstrate compliance with regulatory requirements.

Following concerns about the prospects for successful delivery, CSSIW strengthened its Modernisation Programme control arrangements and changed the Programme's priorities

The main purpose of the Review of Regulation project in 2010 was to develop the case for new business processes and investment in new information systems, rather than to implement change

16. The concerns identified in 2009 had highlighted that CSSIW's existing business processes and information systems were not fully fit for purpose. The main purpose of CSSIW's Review of Regulation project in 2010 was to support decisions on the viability of implementing new business processes and associated information systems. The work planned in 2010 was, in essence, a scoping project to support the case for change, as opposed to being the vehicle for implementing change. The project was managed by CSSIW staff but supported by external consultants (at a cost of £311,000, plus VAT).
17. The Review of Regulation project took longer to complete than had been expected. At the start of the project in February 2010, it was envisaged that the outline business case would be prepared by the end of July 2010. This timeline was then extended so that the proposed ICT solution for CSSIW could be properly evidenced and to ascertain whether a suitable ICT solution might already have been procured by the Welsh Government for use elsewhere within the organisation.
18. When the Review of Regulation Project Board considered the outline business case in December 2010, it recognised that more work was needed to clarify expected benefits. The indicative costs of delivering CSSIW's preferred ICT solution, including the value of staff time, were estimated at £8.3 million (excluding VAT). This figure included certain elements of work that are now expected to be absorbed as part of a separate Welsh-Government-wide project to support the development of secure on-line services (the Enabling On-line Services project). In CSSIW's case, such on-line services would include registration for care providers.
19. The Review of Regulation recommended the full establishment of a CSSIW change programme – the Modernisation Programme launched in January 2011 – to be supported by recruitment to new programme and project management roles⁸. The Review of Regulation also recommended that, once established, the Modernisation Programme's management arrangements

⁸ The CSSIW Project Director and Project Manager for the Review of Regulation have since left the organisation.

should be reviewed by the Welsh Government's Gateway Review Team. Other recommendations relating to staff communication and further work on benefits profiling and process mapping, have been taken forward within the scope of the Modernisation Programme, which is framed around three core workstreams:

- process development (spanning the full range of CSSIW's regulatory functions);
- organisational development (management structures, workforce planning and learning and development); and
- information and communications technology (ICT) development.

20. CSSIW developed the Strategic Outline Case for the Modernisation Programme between January and April 2011. That document identified plans for full implementation of new regulatory processes by the start of 2012-13, with organisational development work ongoing through to mid 2012-13 and ICT development to be completed by the end of 2012-13.

A Gateway Review in May 2011 identified significant concerns about CSSIW's prospects for delivering the Modernisation Programme within intended timescales and questioned the focus, at that time, on ICT development

21. In May 2011, Welsh Government officials completed a Gateway Review⁹ of CSSIW's plans for the Modernisation Programme. The Gateway Review identified significant concerns about CSSIW's prospects for delivering the Programme within its intended timescales. The review team gave the Programme a 'red' rating in terms of delivery confidence. This rating reflected an assessment that: *"Successful delivery of the Programme appears to be unachievable. There are major issues on programme definition, schedule, budget required, and quality or benefits delivery, which at this stage do not appear to be manageable or resolvable. The Programme may need baselining and/or its overall viability re-assessed"*. The Gateway Review recognised that significant development work was underway but that it was taking place largely outside of any formal programme control, for example in terms of arrangements for agreeing priorities, reporting progress and managing interdependencies.
22. The Gateway Review observed that, as with the focus of the Review of Regulation, the early focus of the Modernisation Programme had been about defining the full business case to fund ICT development. Yet few of the people within CSSIW spoken to by the Gateway Review team had identified ICT development as the top priority. The Gateway Review raised concerns

⁹ The Gateway Review process was developed by the Office for Government Commerce (which now operates through the Government Procurement Service, an executive agency of the UK Government's Cabinet Office). The purpose of the process is to examine programmes and projects at key points in their lifecycle and to provide assurance in terms of progress to the next stage of development. The Gateway Review of CSSIW's modernisation programme was undertaken by Welsh Government officials external to CSSIW.

that the source material used to define the ICT requirements was already out of date, as it had not been updated to reflect process developments. It questioned whether the Welsh Government's Enabling Government¹⁰ team would willingly accept a CSSIW bid for resources to support the development and procurement of a new system. The Gateway Review also expressed concern about the inter-dependency between CSSIW's aspirations and timescales for the Welsh-Government-wide Enabling On-line Services project.

CSSIW strengthened its Modernisation Programme control arrangements and changed the Programme's priorities, resulting in a positive follow-up Gateway Review in September 2011

23. In response to the Gateway Review, CSSIW revisited the Modernisation Programme's priorities and decided to focus on the development and implementation of planned process and structural changes, and related organisational development work, on the basis that the ICT requirement could not be fully understood and defined in isolation. The appointment of a project manager for the ICT development workstream was deferred until Spring 2012. In the meantime, CSSIW has been working within the constraints of its current ICT system to meet business needs in the short-term. CSSIW managers recognised that, regardless of what system is used, the challenge will be to ensure that field-staff and managers are better able to understand and use it than is the case with the present system.
24. The Gateway Review team undertook a follow-up review in September 2011 to consider the action that CSSIW had taken in response to the recommendations of its May 2011 review. In light of the Programme being refocused and the action taken to formalise programme management and programme board arrangements, the reviewers significantly upgraded their delivery confidence assessment to a 'green' rating.

The general direction of travel has been positive and CSSIW now plans to introduce new regulatory processes, supported by a new organisational structure, from the start of 2012-13

25. The May 2011 Gateway Review commented on the perception of some field staff that the Modernisation Programme had stalled. Some of the regional managers we spoke to also noted that the Review of Regulation had perhaps promised too much too soon and that this had affected staff morale. However, during 2011 CSSIW staff and the representatives from the Welsh Government's legal services were actively engaged in events designed to support the development of proposals for new and leaner regulatory processes. Bringing staff together to help develop new processes again highlighted variations in local practice and understanding. All-staff training on the new regulatory processes arising from this work is currently underway.

¹⁰ The Welsh Government's 'Enabling Government' portfolio was set up in 2007-08 (as the Business Development Portfolio). Its purpose is to develop and take forward a portfolio of significant change programmes and projects, including ICT business change.

26. As the May 2011 Gateway Review identified, the case for change is well founded and the direction of travel appears to have been generally accepted within the organisation and by external stakeholders. Some of the key proposals in terms of organisational structure and process redesign include:
- With effect from 1 April 2012, CSSIW will be formally restructured from four regional management teams to three, although a three region approach has, in practice, been operating since October 2011. The number of Assistant Chief Inspector posts also reduces from four to three (covering operations, strategy, and enabling functions). The new structure will be 'de-layered', reducing to no more than three the number of management layers between the Chief Inspector and those employed at 'team-band' level. This de-layering is consistent with wider changes across the Welsh Government. Job descriptions and gradings have been reviewed, with a formal five-week consultation currently underway. CSSIW expects to complete the matching and selection of staff to posts by June 2012, with a view to full implementation by October 2012.
 - As part of the restructuring, each region will have a dedicated registration and enforcement team. This change is intended to improve the efficiency and consistency of these processes, and to ensure that there is a dedicated resource available to deliver these functions, separate from those staff responsible for inspections. The intention is that CSSIW registration and enforcement teams will work closely with the Care Council for Wales in co-ordinating enforcement activity to ensure that registered or licensed managers are held to account for shortfalls in performance. CSSIW has also been discussing with the Care Council for Wales opportunities to work together to simplify registration or licensing arrangements¹¹. Processes for assessing and completing application forms are being simplified, although full on-line services are no longer an ambition in the short-term. CSSIW is awaiting the outcomes from consultation on the Social Services (Wales) Bill before finalising its remodelling of registration processes.
 - Also under the restructuring proposals, responsibilities for the management and delivery of inspection work in relation to individual care settings and local authority social services will be integrated, addressing a separation that has existed since the creation of CSSIW in 2007.
 - CSSIW has been exploring options for the use of lay inspectors to support delivery of its care home inspections, and workforce planning has also identified the need to recruit and develop trainee inspectors.

¹¹ In its submission to the Health and Social Care Committee, CSSIW said that it has been developing a broader programme of collaborative working with the Care Council for Wales in response to the Welsh Government's February 2011 paper, *Sustainable Social Services for Wales: A Framework for Action*. The programme will include pooling knowledge and information to enable a better understanding of the staffing resources available in residential care for older adults.

- While there are challenges to CSSIW to reduce any unnecessary regulatory burden on service providers, there also appears to be little appetite for a reduction in the requirement for annual inspections of care homes. However, CSSIW intends to shift the focus of inspection more clearly towards the quality of experience for people using services. CSSIW intends to reshape its care home inspection processes and reporting to focus on the following four core themes in respect of regulated care settings:
 - *Quality of life:* This includes service users' rights and control (in terms of choice and influence over their care), fulfilment, physical wellbeing and emotional wellbeing.
 - *Quality of staffing:* This theme focuses on professional competence and confidence, sufficiency, support and supervision in regulated settings. Of relevance to this theme, *the Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011* came into force on 1 June 2011. These new regulations now require that all managers of care homes for adults in Wales, including those homes registered to provide nursing care, must be registered as a manager with the Care Council for Wales.
 - *Quality of leadership and management:* This theme covers clarity of vision and purpose, quality assurance, diligence and compliance, improvement and sustainability. CSSIW has remodelled the annual self assessments returned by registered providers to evidence corporate responsibility and their commitment to improvement.
 - *Quality of the environment:* This theme covers ambience, accessibility, facilities and safety.

CSSIW has worked with the University of Bradford to develop a 'Short Observational Framework for Inspection' method based on these inspection themes. Training for inspectors has started, with a view to full roll-out from June 2012, Plans for the development of clear evaluative judgements against each of these themes are under discussion. CSSIW is keen to align these plans with the national outcomes framework for social care proposed in *Sustainable Social Services for Wales: A Framework for Action*.

- To support a more risk-based and focused approach to inspection, CSSIW has developed a new electronic risk assessment tool framed, initially at least, around the themes set out in national minimum standards for care homes for older people¹². Implemented in October 2011, to date the tool has been applied to all settings with the exception of children's day care where its use was not considered appropriate. Risk assessment will be undertaken at the point of registration and annually thereafter. The tool will also be used when specific concerns come to light and CSSIW expects that, in the medium to long-term, it will support a better targeted and more efficient inspection regime.
- From April 2012, CSSIW's inspection methodology will also differentiate between baseline inspections, covering a fuller range of issues, and focused inspections targeting particular issues of concern.
- CSSIW is also developing a tool to measure the quality of service from a service user perspective, to be used in conjunction with the risk assessment tool. CSSIW plans to consult stakeholders on its proposals for the quality measurement tool, early in 2012-13.
- Building on work that pre-dated the formal establishment of the Modernisation Programme in January 2011, CSSIW has implemented revised processes for self-assessment by, and data collection from, providers in respect of individual care settings. The new arrangements were discussed with providers at a workshop in February 2011 and introduced as the foundation for all inspections of care settings in 2011-12. They include:
 - an annual collection of data about service users, staff and the general characteristics of the setting; and
 - a self-assessment of service form exploring how providers review and record the quality of their services, how they involve service users and other stakeholders in that work, and plans for future service development.

During 2011-12, CSSIW has been reviewing the effectiveness of these revised data collection and self assessment processes with a view to introducing further changes for 2012-13, and to ensure alignment with the proposed changes to inspection processes and the work undertaken to develop the risk assessment tool. The timing of the data collection and self assessment processes is currently connected with CSSIW's inspection timetable for individual settings. CSSIW has indicated that it intends to move to on-line data collection, with

¹² *National Minimum Standards for Care Homes for Older People*, Welsh Government, March 2004. CSSIW uses these standards to help determine whether care homes are providing adequate care, meeting the needs of service users and are otherwise operating in accordance with regulatory requirements.

providers submitting information for all settings during a fixed time period. These changes are intended to help CSSIW prioritise its annual inspection work on the basis of the information collected and to support the aggregation and publication of summary information.

- New enforcement processes have been developed, for full implementation from April 2012, and processes for assessing and completing registration forms are being simplified, although full on-line services are no longer an ambition in the short-term. CSSIW is awaiting the outcomes from consultation on the Social Services (Wales) Bill before finalising its remodelling of registration processes.
- Alongside the development of new registration, inspection and enforcement processes, CSSIW has also been consulting on a new engagement strategy, to support its intention of putting users and carers at the heart of what it does. CSSIW plans to establish a national and three regional stakeholder boards to engage with service users, providers, commissioners and other third sector organisations. CSSIW intends that members of these groups will support the lay inspection function and participate in quality assurance of CSSIW's inspection reports.
- CSSIW has also been trialling new processes for handling complaints and for adult protection that are consistent with proposals set out in the consultation on the Social Services (Wales) Bill. These new processes will be implemented in full from 1 April 2012.

The challenge, in terms of CSSIW's capacity to develop and implement new processes and structures while, at the same time, managing its day to day business, remains

27. Even if CSSIW had been able to commit more resources to speed up the development and delivery of the Review of Regulation and the Modernisation Programme, senior managers have raised concerns about the business-continuity risks of trying to deliver change too quickly. Well-publicised concerns about financial resilience in the care home sector, specifically in respect of Southern Cross, and CSSIW's own response to the issues raised by the BBC Panorama programme on the Winterbourne View Care Home in Bristol in May 2011, have also diverted attention and resources away from planned work. However, these events have, as in the case of CSSIW's response to the Week In Week Out programme in November 2009, also informed the plans for change. For example:

- CSSIW is intending to build in financial expertise within its registration and enforcement teams to ensure providers have sustainable and responsibly structured businesses; and
- CSSIW responded to the events highlighted by the Panorama programme by undertaking, in July 2011, focused inspections of 13 care homes owned by the same company in North Wales. That work provided an opportunity to test out new inspection methodologies,

drawing together a team of inspectors from across Wales, and highlighted the benefits of undertaking coordinated inspection work focusing on individual providers rather than individual settings, for example in highlighting common areas of weakness. One key finding from the inspections was that the service provider was not carrying out its own quality monitoring visits in an effective way.

28. CSSIW has also had to deal with the loss of staff because of the Welsh Government's wider location strategy and voluntary severance initiatives, as well as its response to the planned reduction in its budget. While these developments reinforce the case for change, they have presented particular challenges in terms of maintaining day to day operations.
- In cash terms, CSSIW's annual budget is expected to reduce steadily from £16.5 million in 2010-11 to just under £14.5 million in 2013-14 (a 12.5 per cent reduction in cash terms, but a 19 per cent reduction in real terms).
 - Figures supplied to us by CSSIW in mid-2011 indicate that, commensurate with these budget reductions, staff numbers need to reduce from 309 posts in 2010-11 to around 270 posts in 2013-14. These projections were dependent on final decisions on organisational restructuring and the pace of change in terms of streamlining regulatory processes and introducing new information systems.
 - While the Welsh Government's voluntary severance and location strategy plans potentially support the direction of travel in terms of staff numbers, their impact has been largely outside of CSSIW's direct control. Twenty CSSIW staff left the organisation under voluntary severance in Autumn 2010, and a further 31 staff left in summer 2011. CSSIW told us that it would have preferred not to have lost some of the staff who have left the organisation.
 - In accordance with the Welsh Government's location strategy, CSSIW has reduced its number of offices from 13 to just three. The process of office closures was completed in December 2011. Some staff have chosen to pursue opportunities in other parts of the Welsh Government rather than relocating with CSSIW. Regional managers have noted a particular impact in terms of the loss of experienced business support staff. While CSSIW has been recruiting back into some posts, CSSIW managers have expressed frustration at the slow pace of the Welsh Government's recruitment processes.
29. Given these workforce challenges, the caseloads for individual inspectors have inevitably increased. However, the changes CSSIW has been introducing to its regulatory processes are designed to help deliver this work more efficiently and effectively, and manage workloads responsibly. CSSIW is, therefore, confident that it is delivering its work to a better professional standard than was previously the case.

30. CSSIW reported that in 2010-11 it had completed 98 per cent of planned inspections across all settings, up from 92 per cent in 2008-09 and 97 per cent in 2009-10¹³. The main shortfall in 2010-11 was in the Mid and South Wales region which achieved 93 per cent completion. Reported figures for care homes for adults aged over 65 show 100 per cent completion. For 2011-12, CSSIW expects to be able to report 100 per cent completion of its planned inspection programme, with most inspectors having completed their inspection caseload by the end of February 2012.
31. In 2010-11, 91 per cent of inspection reports were made public within 63 days (only 80 per cent in the Mid and South Wales region), against a target of 100 per cent. In 2009-10 90 per cent of inspection reports were made public within 63 days. Only 30 per cent of investigations into complaints were completed and reported on within 42 days, down from 48 per cent in 2009-10 and against a target of 100 per cent. Figures for investigations into complaints at older adult care homes that were completed and reported on within 42 days fell from 53 per cent in 2009-10 to 38 per cent in 2010-11. Despite reporting these key performance indicators for complaints, CSSIW told us that many of the complaints it receives do not relate directly to concerns about standards of care and that it does not, therefore, have any real locus to investigate such matters. The new processes that CSSIW is introducing from 1 April 2012 (paragraph 26, final bullet) will clarify CSSIW's role and remit for handling complaints.

ENDS

¹³ These figures relate only to planned inspection visits and not to other visits that can take place between formal inspections, for example to follow-up on inspection findings. CSSIW's information systems cannot provide details of the total number of visits undertaken across all settings.

Dyfodol Cynaliadwy
Sustainable Futures

Cyfarwyddwr Cyffredinol • Director General

Darren Millar AM
Chair of the Public Accounts Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA



Llywodraeth Cymru
Welsh Government

Our Ref/Your Ref:

14 March 2012

Dear Mr Millar,

RE: PUBLIC PARTICIPATION IN WASTE RECYCLING

Thank you for your recent letter to Gill Morgan about the Wales Audit Office Report Public Participation in Recycling. The Permanent Secretary has asked me to respond in my recently assumed capacity as additional accounting officer with responsibility for Sustainable Futures.

I note that the Committee does not intend to launch a formal inquiry. You ask five questions. The answers to these are set out below.

1. The Welsh Government has taken and proposes to take further action to reduce waste production. Local authorities are of course the statutory authorities to collect and deal with waste. The Welsh Government has provided advice and additional funding to help them reduce waste as well as increase recycling and sustainable waste management generally. Specific examples include the reduction of the capacity of residual waste receptacles to promote recycling, the move towards fortnightly residual waste collections, the introduction of food waste collections and the promotion of re-use of furniture, clothing, white goods and other items. This advice to local authorities is now encapsulated in the Welsh Government's Collections Blueprint published in March 2011 which supports the objectives set out in the Municipal Sector Plan also published in March 2011. The Plan and Blueprint reflect policy developments in sustainable waste management which have been under discussion with local authorities since 2007 and move policy on from the position set out in the first Welsh Government waste strategy Wise About Waste published in 2002.

At the moment we have no further specific legislative proposals. As you know, the higher recycling targets were set out in the Waste (Wales) Measure 2010. Targets for waste reduction through to 2050 are set out in the Welsh Government's waste strategy Towards Zero Waste. To help deliver on these targets the Welsh Government is working on actions, along with the other UK administrations and the EU, to tackle waste arisings at source, for example in the retail supply chain. The Welsh Government already supports the Courtauld agreement with the major UK grocery chains and action on better eco-design to reduce packaging. Further proposals were set out in the draft Food, Marketing, Services and Retail Sector Plan which was launched for consultation in March 2011 and is scheduled to be published by the Summer. Following responses to this Plan and other Sector Plans, Ministers will be considering a range of possible measures to reduce waste and increase recycling in both the public and private sectors for inclusion in the forthcoming Environment Bill.



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2. The Welsh Government has been working with local authorities to increase public participation in waste recycling since the first waste strategy was published in 2002. I hope you will recognise that as a result of this action Wales now has the highest recycling rate of the four UK nations and is well on the way to achieve the first of the new statutory recycling targets of 52% in 2012/13. The recycling rate in the last quarter for which data is available, June – August 2011, was 49%, up from 6.6% in 1999/2000. The Welsh Government continues to work closely with local authorities through Waste Awareness Wales, which is funded by the Welsh Government, to promote public participation. Recent survey results indicate we have been very successful in promoting attitudinal change in relation to recycling with 94% of people in Wales saying that recycling is very or fairly important to them. Compared to the other UK nations, people in Wales are significantly more aware of, and likely to use, kerbside recycling services and awareness of food waste recycling services is much higher in Wales (88%) than in any other region (42% - 67%). We and local authorities are now working to convert this into behavioural change to increase further separation of materials including food waste and higher recycling. Actions to improve public participation can be incorporated by local authorities in their business plans setting out how they will meet the higher recycling targets, which they are being encouraged and supported to produce as part of the collaborative waste 'change programme' launched by the Welsh Government in Summer 2011. At the moment, no further legislative proposals are envisaged, subject as I say to any proposals in the Environment Bill.
3. I am interested that the WAO has told you that it is impossible on current evidence to say that one type of recycling is superior to another. I am aware that this debate is polarised around the relative costs and benefits of kerbside sort collection systems as opposed to co-mingled systems. The Welsh Government takes an evidence based approach to policy making and has published the results of a number of studies setting out the modelling and empirical evidence in respect of different systems. In particular I would refer you to the four reports listed in Annex 1 to this letter.

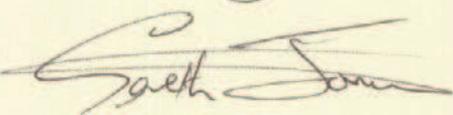
The outcome of studies can of course reflect the inputs and assumptions made in them. The Welsh Government takes a whole life cycle and whole life costings approach in pursuit of its obligation to promote sustainable development and in this regard I would encourage you to look in particular at the Eunomia report Kerbside Collections Options: Wales January 2011 which sets out the environmental and economic benefits of the different collection systems. Again, we are encouraging local authorities to test out these findings in the circumstances of their own communities in the business plans we are helping them to prepare under the change programme I have referred to above.

Two further important issues will impact on the choice of collection systems by local authorities. Firstly, the thrust of the recent revised EU Waste Framework Directive (rWFD) is in favour of separate collections of at least a minimum of four key materials. The rWFD has been transposed into UK legislation in the Waste (England and Wales) Regulations 2011 although paragraph 13 referring to separate collections is currently subject to a consultation on possible amendment to seek to clarify the requirement for separate collection. When this consultation is concluded and the regulations amended as appropriate, the Welsh Government will be in a better position to offer definitive advice to local authorities about which collections services should be preferred. While there may well be local circumstances which require flexibility in collection services, and the derogations in the rWFD provide for this, the direction of travel is clearly in favour of consistent and separate collection services.

Secondly, financial data developed jointly by local authorities, the WLGA, the Welsh Government and the WAO over the last five years to benchmark the costs of local authority recycling services is now available. This data was recently pulled together in a Wales Audit Office report to the Ministerial Programme Board for waste chaired by the Minister for Environment and Sustainable Development and attended by representatives of local authorities and WLGA as well as Welsh Government and WAO. This report indicated for example, in 2010/11, a six-fold variation between local authorities in the cost of household collections of dry recyclates. In current circumstances of public sector funding this is a situation which requires urgent consideration by local authorities and officials are working with them to promote more sustainable waste management services.

4. I note and agree with the WAO report recommendation. As I say, the Welsh Government is and has been working with local authorities to promote good practice and disseminate the benefits of this to promote public participation in recycling as this will be key to Wales achieving the higher recycling rates. We are currently reviewing with Waste Awareness Wales and the WLGA in the light of the latest research findings, the best ways of doing this. Actions will be set out in the next three year plan for Waste Awareness Wales.
5. I take careful account of the points made in the WAO report about grants for local authority waste services. The financial benchmarking I have referred to above is part of our action on this as we have needed to develop, in conjunction with local authorities and the WAO, a robust data base against which to assess local authority performance. Local authorities are meeting Welsh Government strategic objectives on recycling having met and surpassed the 40% recycling target set out in the initial Welsh Government waste strategy in 2002 and being collectively well on target to meet the first of the new statutory recycling targets. Nevertheless, it is clear that there is more to be done to see how we can meet the targets at a lesser overall cost and drive further value for money benefits alongside better environmental outcomes. Officials will continue to pursue this agenda in collaboration with local authorities themselves and the WAO.

I trust that this letter helps to address the concerns raised by the Committee.

Your sincerely,


Gareth Jones
Acting Director General, Sustainable Futures

Reports to Welsh Government setting out evidence about different collection systems for recycling:

Kerbside Recycling in Wales: Environmental Costs, prepared by Environmental Resource Management Ltd for the Waste and Resources Action Programme, March 2009.

Kerbside Recycling in Wales: Indicative Financial Costs, Waste and Resources Action Programme (WRAP), March 2009.

Ecological Footprint Impacts of the Welsh Waste Strategy: Ove Arup and Partners Ltd, May 2009.

Kerbside Collections Options: Wales, prepared by Eunomia Research & Consulting, Resource Futures and HCW Consultants for the Waste and Resources Action Programme WRAP, January 2011.

Public Accounts Committee

Meeting Venue: **Committee Room 3 – Senedd**

Meeting date: **Tuesday, 20 March 2012**

Meeting time: **09: – 11:00**

This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_400000_20_03_2012&t=0&l=en

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Concise Minutes:

Assembly Members:

Darren Millar (Chair)
Mohammad Asghar (Oscar) AM
Mike Hedges
Julie Morgan
Gwyn R Price
Jenny Rathbone
Aled Roberts

Witnesses:

Matthew Mortlock, Performance Specialist. WAO
Huw Vaughan Thomas, Auditor General for Wales, Wales Audit Office
Kath Palmer, Welsh Government
Paul Davies, WHQS and Sustainability Officer
Andrew Bateson, Chair of CHC's technical services forum
Nick Bennett, Community Housing Cymru
Peter Cahill, Community Housing Cymru
Gareth Jones, Acting Director General – Sustainable Futures

Committee Staff:

Tom Jackson (Clerk)
Sarah Beasley (Clerk)
Daniel Collier (Deputy Clerk)

1. Introductions, apologies and substitutions

1.1 The Chair welcomed Members and members of the public to the meeting.

1.2 Apologies had been received from Leanne Wood.

2. Progress in Delivering the Welsh Housing Quality Standard – Evidence from the Welsh Government

2.1 The Chair welcomed Kath Palmer, Deputy Director, Housing Directorate; Gareth Jones, Director General, Sustainable Futures; and Paul Davies, Welsh Housing Quality Standard and Sustainability Officer.

2.2 Members questioned the witnesses.

2.3 The Committee agreed to write to the Welsh Government with questions which were not covered during the proceedings of the meeting.

3. Progress in Delivering the Welsh Housing Quality Standard– Evidence from Community Housing Cymru

3.1 The Chair welcomed Nick Bennett, CHC Group Chief Executive; Peter Cahill, Chair of CHC and Chief Executive of Newport City Homes; and Andrew Bateson, Chair of CHC technical services forum and director of technical services at Cadwyn

3.2 Members questioned the witnesses.

4. Consideration of options for handling the Draft Audit Bill

4.1 The Committee noted that the Welsh Government issued a consultation on the Draft Public Audit (Wales) Bill on Thursday 15 March.

4.2 The Committee agreed to consider the Draft Public Audit (Wales) Bill and receive a technical briefing from Government officials.

4.3 The Committee agreed to write to the Business Committee in order to ascertain the potential for additional committee meetings slots.

5. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

Item 6 and 7.

6. Consideration of evidence taken on the Progress in Delivering the Welsh Housing Quality Standard

6.1 The Committee discussed evidence taken on the Progress in Delivering the Welsh Housing Quality Standard.

7. Consideration of draft report on A Picture of Public Services

7.1 The Committee considered its draft report on a Picture of Public Services.

8. Papers to note

8.1 The Committee ratified the minutes of the meeting on 6 March 2012.

TRANSCRIPT

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