

# **MORAY COUNCIL**

## **Minute of Special Meeting of the Moray Council**

**Wednesday, 07 October 2020**

**remote locations via video-conference,**

### **PRESENT**

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

### **APOLOGIES**

Councillor Ryan Edwards

### **IN ATTENDANCE**

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Interim Chief Officer Health and Social Care, Head of Governance, Strategy and Performance, Head of Education, Chief Social Work Officer and Interim Head of Children and Families and Criminal Justice Social Work and Tracey Sutherland, Committee Services Officer.

#### **1. Chair**

The meeting was chaired by Councillor Shona Morrison.

#### **2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

Councillor Eagle declared that the Conservative Group had discussed the reports on the agenda and potential recommendations but no prior decisions had been taken.

#### **3. Moray Council Best Value Assurance Report**

A report by the Chief Executive asked Moray Council to consider the Accounts Commission findings on the Best Value Assurance Report on Moray Council by the Controller of Audit.

Before introducing the report the Chief Executive updated the Council on a number of points which were incorrect in the report and appendix. In paragraph 3.1 of the report, it should state that the Inspection commenced in September 2019 and not took place in September 2019. Under reference to para 12(h) it should state that Heads of Service were also included in the consultation and any feedback received has been incorporated into the report. Finally, he thanked Councillor Alexander for pointing out that on pages 22 and 24 of Appendix 1a there were 10 Councillors re-elected and not 6 as stated. The Chief Executive, by way of an introduction confirmed the purpose of the report was to:

- provide comment on the number of key findings and recommendations;
- highlight specific areas of development necessary to delivery at pace the transformational change for the Council to become sustainable;
- to bring Council up to date with an assessment of progress made since the review; and
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- recommend strategic actions and an approach of delivery which will change from the past.

Councillor Eagle, as Leader of the Conservative Group circulated an alternative set of recommendations at the start of the meeting.

On the advice of the Head of Governance, Strategy and Performance, the meeting agreed to discuss the fourth recommendation in confidence as it related to a particular employee of the authority.

Following lengthy consideration of the report and the recommendations stated and the alternative recommendations circulated by Councillor Eagle, Councillor Leadbitter moved that Council:

- i) note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report; and
- urgently establish a member/officer working group with membership as per the Renewal and Recovery Group current membership, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020.

This was seconded by Councillor Morrison.

Councillor Eagle, seconded by Councillor Brown proposed that the Council:

- i) note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with

findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report;

- ii) urgently establish a member/officer working group with membership as per the Renewal and Recovery Group current membership and the addition of Councillor Taylor, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020;
- iii) agree that progress on the action plan, once approved, will be brought to the Moray Council every 8 weeks until the revisit of the Best Value Inspectors.

On the division there voted:

For the Motion (11)                      Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, Cowe, Coy, Divers, A McLean, Nicol and Warren

For the Amendment (13)              Councillors Eagle, Brown, Allan, Cowie, Feaver, Gatt, Macrae, M McLean, R McLean, Powell, Ross, Taylor and Wilson

Abstentions (1)                        Councillor Creswell

Accordingly the amendment became the finding of the meeting and following a confidential discussion regarding the proposed 4<sup>th</sup> recommendation provided by Councillor Eagle the Council agreed:

- i) to note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report;
- ii) to urgently establish a member/officer working group as per the Renewal and Recovery Group, with the current membership and the addition of Councillor Taylor, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020;
- iii) that progress on the action plan, once approved, will be brought to the Moray Council every 8 weeks until the revisit of the Best Value Inspectors; and
- iv) that the Chief Executive's appraisal process is completed as soon as possible which will include elements of the Best Value Audit Report.

#### **4. SPSO Reports - Children's Social Work**

The Convener advised the Council that Items 4 and 5 on the agenda would be considered together.

During the discussion of the reports Council agreed to suspend Standing Order 75 in

order to continue the meeting past 12.45pm.

The reports by the Interim Chief Officer Health and Social Care and the Chief Social Work Officer informed the Council of actions required as outcomes of parental complaints made to the Scottish Public Services Ombudsman (SPSO).

During consideration of the reports, Councillor Eagle, seconded by Councillor Brown moved to include 2 additional recommendations:

- v) that in recognising the highlighted weaknesses in the management and supervision demonstrated by these two reports a report is brought back to Moray Council on 21 January 2021 with an amended or separate action plan that addresses the issues and establishes performance indicators and targets; and
- vi) that the Chief Executive given his responsibility for the Council's complaints processes reviews the material in both these reports; identifies any weaknesses and reports back to Council on 20 January 2021 with findings and an action plan that establishes performance indicators and targets around complaints handling moving forward.

In response, the Chief Executive informed the Council that the Head of Governance, Strategy and Performance is currently undertaking a review of the Council's Corporate Complaints Process

The Head of Governance, Strategy and Performance further added that neither SPSO report criticised the Complaints Procedure currently in place, what had happened was that the process in place was not followed and this will be addressed through training as indicated in the action plan. As stated by the Chief Executive, the current process is under review and will be put before Council once the review is complete.

Following the information from the Chief Executive and the Head of Governance, Strategy and Performance, Councillor Brown, in agreement with Councillor Eagle amended the proposed fifth recommendation to read:

- vi) that given the Chief Executive's responsibility for the council's complaints process, reviews the material in the 2 reports and ensures that any finding from them are embedded in the new complaints process.

As there was no one otherwise minded the Council agreed:

- i) to note the contents of the reports;
- ii) to note the actions underway to address each of the elements;
- iii) that the final recommended revision of the transitions policy and of the continuing care policy are tabled at Education, Communities and Organisational Development Committee on 18 November 2020;
- iv) to note that improvements to Children's Social Work are being undertaken;
- v) that in recognising the highlighted weaknesses in the management and

supervision demonstrated by the two reports a report is brought back to Moray Council on 21 January 2021 with an amended or separate action plan that addresses the issues and establishes performance indicators and targets; and

- vi) that given the Chief Executive's responsibility for the Council's complaints process, reviews the material in the 2 reports and ensures that any finding from them are embedded in the new complaints process.