

COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE
COMMUNITY SERVICES SCRUTINY COMMITTEE**

**SUBJECT: COMMUNITY SERVICES SCRUTINY COMMITTEE –
13TH OCTOBER, 2020**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR C. MEREDITH (CHAIR)

Councillors M. Cook
S. Healy
W. Hodgins
J. Holt
H. McCarthy
J. Millard
G. Paulsen
K. Pritchard
T. Sharrem
B. Summers
L. Winnett

**Education and Learning Scrutiny Committee
Members (Without Voting Rights)**

Councillors H. Trollope
D. Bevan
J.C. Morgan
T. Smith
S. Thomas

**WITH: Corporate Director Regeneration & Community Services
Interim Corporate Director Education
Education Transformation Manager
Head of Community Services
Property Services Manager
Scrutiny & Democratic Officer/Advisor**

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p data-bbox="292 329 871 367"><u>SIMULTANEOUS TRANSLATION</u></p> <p data-bbox="292 414 1295 495">It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p data-bbox="292 548 517 586"><u>APOLOGIES</u></p> <p data-bbox="292 633 1015 672">Apologies for absence were received from:-</p> <p data-bbox="292 719 651 837">Councillor M. Moore Councillor G. Collier Councillor L. Parsons</p>	
No. 3	<p data-bbox="292 891 1259 929"><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p data-bbox="292 976 1217 1014">No declarations of interest or dispensations were made.</p>	
	<p data-bbox="292 1064 1270 1102"><u>REVIEW INTO WATER SUPPLY QUALITY IN SCHOOLS</u></p> <p data-bbox="292 1149 1295 1352">Due to the need to consider the following item as a matter of urgency, the Chair of the Committee has confirmed that the following matter can be considered under the Provisions of Paragraph 4(b), Section 100(b) of the Local Government Act, 1972.</p> <p data-bbox="292 1400 1295 1525">Consideration was given to the joint report of the Corporate Director Regeneration and Community Services and the Interim Corporate Director Education.</p> <p data-bbox="292 1572 1295 1825">The Chair reminded everyone that Members of the Education and Learning Scrutiny Committee had been invited to the meeting as observers due to the cross cutting nature of the report and therefore in line with the Constitution the Education and Learning Scrutiny Committee was not permitted to vote.</p>	

In response, a Member felt that the decision to stop Members of the Education and Learning Scrutiny Committee being able to vote on the decision of the report was an interpretation of the rules of the Constitution. The Member was of the opinion that it was an instruction from the Leadership of the Council to prevent Members from voting.

The Chair noted the comments and advised that the matter be taken up with the Leadership of the Council.

At the invitation of the Chair, the Corporate Director Regeneration and Community Services informed that the purpose of the report was to update Members on the outcome of the review carried out by Integrated Water Services (IWS) in light of the water quality issues experienced in our schools during the period of closure due to COVID-19.

The Corporate Director advised that the Council had taken a pro-active and comprehensive approach to the reopening of schools from a health and safety perspective, including water testing in accordance with the Approved Code of Practice (ACOP) L8 and Health & Safety Executive (HSE) specific advice. The safety of the children and staff across all school sites was a priority to the Council.

The closure of schools during lockdown was the longest period schools had ever been closed. The Corporate Director noted that normally schools are only closed for a period of five to six weeks during the summer holidays. This period of school closures was unprecedented and lessons had been learned across a number of services.

The Corporate Director advised that Integrated Water Services (IWS) was the firm appointed to undertake the review. The scope of the review included selecting 12 school sites from the 29 schools sites in the Borough. The schools selected were reported as follows:-

1. Blaen-y-Cwm Primary School
2. Bryn Bach Primary School
3. Brynmawr Foundation School
4. Canolfan yr Afon (Riverside) School
5. Coed-y-Garn Primary School

6. Ebbw Fawr Primary / Pen-y-Cwm Special School
7. Ebbw Fawr Secondary School
8. St Mary's Church in Wales Primary School
9. Sofrydd Primary School
10. Tredegar Comprehensive School
11. Willowtown Primary School
12. Ystruth Primary School

A summary of the IWS review was detailed in Appendices 1 and 2 of the report and the Corporate Director outlined the key recommendations identified by IWS as follows:-

- 1) Investigate a suitable on-line monitoring Legionella program. To allow data information to be stored accessed and audited more efficiently.
- 2) Undertake more intensive training of staff involved in the Legionella monitoring testing program, particularly in the area of water system flushing.
- 3) Review our Legionella risk assessments to ensure that they are sufficiently up to date to comply with the legislation.
- 4) Analyse the IWS information, and implement areas of good practice.
- 5) Reconsider suitability of "normal" Legionella Risk Management Policy in the light of the on-going Covid19 situation, particularly in the area of system flushing.

The Corporate Director added that these recommendations formed the basis of an action plan to be taken forward.

The Corporate Director Regeneration and Community Services noted that the IWS review suggested that schools should not be closed due to high TVC results. However, the Council felt that high TVC sample results could indicate Legionella contamination and therefore further resampling was undertaken until the Legionella test results were obtained. The Corporate Director felt that the Council had gone further than suggested and it needed to be recognised that the Legionella Control legislation was implemented differently in terms of a specific policy among organisations which still complied with the legislation.

It was the view of the Technical, Health & Safety and Environmental Health officers, in consultation with Education colleagues that the approach to reopening schools was managed in an effective and safe manner.

Although, the Corporate Director acknowledged that there are lessons to be learned from COVID-19, which would strengthen the Council's practices and procedures going forward.

The Corporate Director further referred to the options for recommendation and noted the financial implications of the preferred Option. He pointed out that the software would need to be procured and also additional staff resources may be needed in order to ensure the increased level of monitoring and training which would be required. However, these would be reviewed and revised accordingly once the system was in place. Any additional revenue costs would be identified as a cost pressure within the Corporate Landlord budget, pending consideration of additional revenue funding being allocated in the 2021/2020 budget review process.

The Education Transformation Manager concurred with the comments raised by the Corporate Director and advised that she fully supported the response to school testing. The Manager added that the response was undertaken with the best interest of staff and pupils in mind. It was noted that going forward there would be an action plan in place which would need to be adhered to and picked up with existing and new staff.

At this juncture the Chair welcomed questions/observations from Members.

In response to a question raised in relation to contractors being invited to attend this meeting, it was confirmed that they had not been invited.

A Member expressed concern that the report had not been presented to full Council as it impacted all Elected Members. The Member also raised concerns to the significant findings outlined in the report attached at Appendix 1 and was of the opinion that this Council failed to safeguard pupils and staff in schools.

The Member further referred to issues at a local school in relation to the position of the windows above sinks. She advised that it had been informed that the position of the window with no blinds could have had an impact on the levels of legionella in the water and felt that although costs would be incurred in addressing some issues it was important going forward to prevent further legionella in school systems.

The Interim Corporate Director advised that there were lessons to be learned, although this was a corporate response, the Education Directorate acted quickly to ensure schools were safe in terms of health and safety for pupils and staff to attend.

The Education Transformation Manager advised that she had been aware of the discussions with officers who had felt that the heat from the window directed onto the taps could have contributed to the elevated levels in the water. However, this would be addressed as part of the ongoing maintenance of the school.

The Member thanked the Manager for the update and stated that it was important that the Council was compliant with procedures in place. This issue had been massive failure for our children and staff and it was important it be addressed to prevent further problems in the future.

The Corporate Director Regeneration and Community Services stated that there was no suggestion or evidence in the report which informed that the Council had 'failed' or had 'failings'. The Council took a precautionary approach to ensure that staff and pupils were safe. The Corporate Director added that there was no requirement for Councils to have a legionella policy as the Council's overall Health and Safety Policy covered Legionella along with a range of other matters and it was important to ensure that all records and training were kept up to date.

The Corporate Director Regeneration and Community Services felt that the comment 'failing' should be challenged and reiterated that pupils and staff were never at risk. The Council had followed the Corporate Health and Safety Corporate Policy and the Review had identified some good practices which the Council had felt should be taken on board going forward. However, the Corporate Director reiterated that there was no evidence that the Council had failed pupils and school staff.

Another Member raised concerns around the report and felt that the findings clearly identified significant gaps in the management plans across Blaenau Gwent in terms of the legionella testing processes and records in place. The Member noted statements from the report which included the legal policy had not been provided, risk assessments out of date and no clear lines of processes for the group or schools. The reopening of schools was headline news and the First Minister made it a clear priority and given that the Council had three months to prepare for the safe opening, the Member did not understand how there were delays. The Member recalled at the time that the Executive Member for Education had stated that it was disappointing for pupils who had planned to return to schools, however the Council's top priority was the safety of the pupils and staff. The Member felt that if the reopening of schools was a top priority the schools should have opened as expected following the announcement from the First Minister.

The Interim Corporate Director Education reiterated the point made by the Corporate Director that there was no specific requirement to have a dedicated legionella policy. The process was covered in the Health and Safety Policy and this was the same in the majority of local authorities.

The Interim Corporate Director added that in June there was a great deal of uncertainty around the re-opening schools and schools had been repurposed for key worker families and vulnerable children. There was a short space of time to ensure that from a health and safety aspect that schools were reopened effectively. At this point the Council instigated the testing work, however, there were a number of other local authorities undertaking similar testing which had identified some issues with the water supply in some schools.

The Interim Corporate Director advised that the 12 schools identified in the report were not a random sample. These schools had been identified with positive test results for TVC or legionella and following dialogue with IWS the contractor, the work had been undertaken independently.

The Interim Corporate Director also added that the comments made by the Executive Member for Education in the communication was correct, the Council's health and safety requirements was a top priority for the Council and the approach taken had been to ensure that the schools were safe for staff and learners. The Interim Corporate Director stated that although there was a delay in opening of some schools the work was delivered and it was the view of officers that the priority had been met. Importantly, all schools reopened during the summer term.

In response to further concerns raised it was advised that this was unprecedented times and schools had not been closed for such long periods of time. The Council worked closely with schools and all advice and guidance was followed, however, due to the length of the closure normal practices had not been adequate, therefore positive test results had been received. The Interim Corporate Director added that this was an unprecedented situation and the Council had recognised lessons to be learned and the action plan would be taken forward to prevent similar issues in the future.

The Education Transformation Manager added that there had been a great deal of preparatory work undertaken with schools prior to June including the maintained flushing regimes and all schools had provided evidence. However, the Manager reiterated that these regimes would not have been sufficient enough due to length of closure. The availability of contractors was limited due to furlough staff and priority work only being undertaken in light of COVID-19. If tests had been undertaken prior to schools opening these tests would have been invalid. The Manager concurred that the Council acted as promptly as it could as no one wanted see further school closures. The schools had appreciated the support the Council had put in place to ensure their safe opening.

A Member advised that positive feedback had been received from schools in terms of the support received. The Interim Corporate Director Education added that the Planning Group meeting held during school closures continued when opened and feedback from meetings had always been positive from head teachers. The Education Transformation Manager further reiterated that the schools had appreciated the support and quick outcomes to the issues.

The Manager advised that officers from Education, Technical Services and Environmental Health had ensured the findings were fully explained and the reason for actions to be put in place.

Another Member raised concerns around comments raised by the Corporate Director which appeared to differ from the report presented. The Member felt that the report clearly indicated that the Council had not met standards.

The Member also referred to the decision to not allow all Members to vote at this meeting and noted his disappointment that it had not been presented to the Joint Safeguarding Scrutiny Committee. The date of meeting had been revised and Members had been given only 3 days, including the weekend to read the report ahead of the Scrutiny Committee which was promptly followed by an Executive for the report to be approved. The Member stated that legionella was a serious disease and it was paramount that the Council had adequate testing regimes in place which were carried out accordingly.

The Member was of the opinion that the report had not been presented in its entirety. Another Member concurred and felt that the report and discussions had been staged to ensure the review was presented in a positive way.

The Corporate Director Regeneration and Community Services advised that the report received by the Council had been shared in full with Members.

Another Member stated that the issues faced were a safeguarding matter and he concurred that the report had not been presented to the recent Joint Safeguarding Scrutiny Committee. The Member advised that schools had received excellent support, however, the appropriate systems and policy had not been followed which prevented opening following the announcement by the First Minister.

In response to the concerns raised the Corporate Director Regeneration and Community Services reiterated that a robust testing regime had been undertaken with a risk approach to ensure all schools were safe and able to open. The Corporate Director advised that there was regular monitoring in place, however the schools had been closed for a longer period of time. The review did not identify any failings in terms of the testing regime or the approach to reopening albeit issues around record keeping were highlighted.

The Property Services Manager provided an explanation of the processes in place to check water quality and reiterated that the school closures were unprecedented and unplanned.

A Member felt that there was a need to be realistic in terms of recent events as across the Country there was a lockdown in place, many staff had been furloughed, travel was permitted to essential journeys only and schools were closed for many more weeks than the normal summer holidays. There had been lessons learned from the review and an action plan had been developed. The Member stated that it was disrespectful that some Members felt it appropriate to refer to the exercise as 'cover up'. The correct procedures were undertaken during very uncertain times. The Member was disappointed that Members felt that the questioning of the report was staged as it had not been discussed prior to the meeting.

A Member did not accept that the findings had been presented in full and felt that both elected Members and the public was being misguided.

Another Member welcomed the opportunity to scrutinise the report and action plan. However, the Member proposed that the action plan be rolled out across all corporate buildings and not just in schools. The Member concurred that health and safety was a corporate issue and therefore should be addressed corporately. The Member further added that if the Policy to address corporate health and safety issues needed to be amended, he suggested it be scrutinised by the appropriate Scrutiny Committee and any amendments be presented to Council for approval.

The Corporate Director Regeneration and Community Services felt that it would be beneficial that the action plan be rolled out across all corporate buildings and this was the intention of the Action Plan. The Corporate Director advised that the Policy would need to be presented to the Corporate Overview Scrutiny Committee if there were changes to the Council's overall Health and Safety Plan or if a separate policy were to be prepared.

In response to comments made in relation to safeguarding concerns, a Member stated that this was not a safeguarding issues, it was a health and safety matter related to technical issues.

Further points were raised in relation to the report and its findings and although there was a clear action plan to be put in place going forward the report was damaging for the Council. The concerns were reiterated around the timeframes in which the report had been presented to Scrutiny and then for approval to Executive. It was felt that this was inappropriate as clear timelines needed to be in place to ensure adequate time for Members to give consideration to such important matters.

Another Member referred to the 6 monthly updates to be presented and suggested they be submitted on a quarterly basis. The Corporate Director Regeneration and Community Services agreed that this could be undertaken and the Chair felt it appropriate to discuss at the next Agenda Setting Meeting to be included in the Forward Work Programme.

A Member asked when was health and safety in our schools not a safeguarding risk to children. The Member stated that if procedures or polices were not adhered to it would cause a safeguarding risk.

The Interim Corporate Director Education advised that the primary responsibility of the Joint Safeguarding Scrutiny Committee was in relation to Child Protection and that Health and Safety responsibilities in relation to water testing were aligned to the Technical Services Department. He also that the work undertaken was a corporate response and officers worked tirelessly to respond to the situation. The respective teams across the Council worked together during the emergency response, including staff being redeployed from other service areas. The Interim Corporate Director noted the report which detailed the need to build on capacity and strengthen resources. These actions would ensure our approach to water testing would improve moving forward.

It was thereupon proposed that the Action Plan detailed in Appendix 3 be applied across all Council buildings in respect of Health and Safety being a Corporate responsibility and the Policy be presented to the appropriate Scrutiny Committee to be considered accordingly prior to any changes being approved by full Council.

This course of action was AGREED.

RESOLVED, subject to the foregoing that the report be accepted and Option 2 namely, the appropriate review changes be implemented, particularly in light of COVID-19 which was still prevalent within the Country, and localised lockdowns could result in schools full or partial closures, which could result in further water quality issues.