

Review of Out-sourced Leisure Services – Vale of Glamorgan Council

Audit year: 2019-20

Date issued: November 2020

Document reference: 2123A2020-21

This document has been prepared as part of work performed in accordance with statutory functions.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000. The section 45 code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales and Audit Wales are relevant third parties. Any enquiries regarding disclosure or re-use of this document should be sent to Audit Wales at infoofficer@audit.wales.

We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

Contents

The Council is receiving an income from its leisure contract with Legacy Leisure, but needs to, assure itself that the contract is providing value for money, and strengthen its application of the sustainable development principle when it extends the contract.

Summary report

Summary 4

Detailed report

The Council has maintained its leisure centre provision and is receiving an income from its contract with Legacy Leisure Limited, but until recently lacked a strategy to shape the service 7

There is significant scope for the Council to apply the sustainable development principle and focus on delivery of its well-being objectives through its contract with Legacy Leisure Limited 8

The Council has strengthened its management of the contract, but there is scope to improve arrangements to assure itself that it is achieving value for money 9

Appendices

Appendix 1 – Wellbeing of Future Generations Examinations positive indicators 12

Summary report

Summary

What we reviewed and why

- 1 In accordance with the Well-being of Future Generations (Wales) Act 2015 (the WFG Act) the Auditor General for Wales (the AGW) is statutorily required to examine public bodies to assess the extent to which they have acted in accordance with the sustainable development principle when:
 - setting their well-being objectives; and
 - taking steps to meet them.
- 2 Public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future. There are 5 things that public bodies need to think about to show that they have applied the sustainable development principle and we considered these closely when delivering the fieldwork as follows:
 - Long Term – the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
 - Prevention – how acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
 - Integration – considering how the public body’s well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
 - Collaboration – acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
 - Involvement – the importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the body serves.
- 3 The Act defines the sustainable development principle as acting in a manner: ‘...which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs’. See **Appendix 1** for the WFG Act positive indicators.
- 4 As well as duties under the WFG Act, the AGW has duties relating to examining whether councils have proper arrangements to ensure economy, efficiency and effectiveness (value for money) under the Public Audit (Wales) Act 2004. In discharging these duties, the Auditor General published his report [Delivering with Less – Leisure Services](#), in December 2015.
- 5 In August 2012, the Council entered into a contract with Parkwood Leisure to manage its leisure facilities for ten years with the option to extend for a further five years. The contract was subcontracted to Legacy Leisure, a not-for-profit charitable organisation in 2015.

- 6 For the purpose of this study, we use the term leisure services to mean sports and recreation services provided on behalf of the Council by Legacy Leisure. Our definition does not cover or include activities relating to tourism, library services, parks/open spaces, museums/heritage or the arts.
- 7 We undertook the review during the period May 2019 to September 2019.

What we found

- 8 Our review sought to answer the question: is the Council's approach to leisure services supporting the achievement of its well-being objectives, and delivering value for money?
- 9 Overall, we found that: The Council is receiving an income from its leisure contract with Legacy Leisure, but needs to, assure itself that the contract is providing value for money, and strengthen its application of the sustainable development principle when it extends the contract.
- 10 We reached this conclusion because:
- the Council has maintained its leisure centre provision and is receiving an income from its contract with Legacy Leisure Limited but until recently lacked a strategy to shape the service.
 - there is significant scope for the Council to apply the sustainable development principle and focus on delivery of its well-being objectives through its contract with Legacy Leisure.
 - the Council has strengthened its management of the contract, but there is scope to improve arrangements to assure itself that it is achieving value for money.

Proposals for improvement

Exhibit 1: proposals for improvement

The table below sets out the proposals for improvement that we have identified following this review.

Proposals for improvement

PFI 1 The Council should strengthen its application of the sustainable development principle through the services delivered by Legacy Leisure, including by:

- adopting a more strategic approach to collaboration for Legacy Leisure and other leisure services at a local and regional level;
- further integrating the planning and delivery of Legacy Leisure services with other public bodies and Council services, such as Education and Social Care; and

- involving citizens and service users in the development and delivery of Legacy Leisure services to ensure they represent the needs of the community.

PFI 2 The Council should strengthen its arrangements to gain assurance that the contract is providing value for money. For example, by:

- improving reporting arrangements to ensure members receive a full and timely account of service performance;
- exploring how scrutiny arrangements could be more impactful. This could be by ensuring better involvement of committee members in selecting agenda items and proper and proactive engagement with local people; and
- exploring the availability of comparative and benchmarking data to further support its assessment of value of money.

Detailed report

The Council is receiving an income from its leisure contract with Legacy Leisure, but needs to, assure itself that the contract is providing value for money, and strengthen its application of the sustainable development principle when it extends the contract.

The Council has maintained its leisure centre provision and is receiving an income from its contract with Legacy Leisure Limited, but until recently lacked a strategy to shape the service

11 In reaching this conclusion we found that:

- the Council has met its primary aims in outsourcing the management of its leisure centres to reduce the Council's leisure subsidy to zero (contract fee) over the life of the contract. The Council is now receiving an income from the contract and is forecasting that it will achieve a saving of nearly £17 million over the 10-year contract.
- in October 2019, Cabinet agreed a leisure strategy, '[More Active Communities for a Healthier Future 2018-2028](#)'. There is an action plan underpinning the strategy setting out how each of the objectives will be delivered. Prior to this, the Council did not have a strategy to help shape its outsourced leisure service.
- the new strategy explicitly recognises the importance of leisure more broadly in contributing to the achievement of the seven national wellbeing goals. It also provides a clearer vision for its leisure services. The Council should ensure that its contract extension negotiations with Legacy take account of the new strategy and its contribution to the seven national wellbeing goals.

There is significant scope for the Council to apply the sustainable development principle and focus on delivery of its well-being objectives through its contract with Legacy Leisure Limited

- 12 Our findings in relation to each of the five ways of working to reach this conclusion are set out below:

Long term

- 13 The Council entered into a contract with Parkwood Limited and then Legacy Leisure Limited in order to continue to maintain existing leisure centres and generate an income. The Council's leisure strategy articulates its priorities for sport and physical activity provision until 2028, but it is not clear from the actions in the strategy how the Council intends to address some of the longer-term challenges which may impact on its future provision of leisure services.

Integration

- 14 We found application of the integration way of working was still at a relatively early stage and there is significant scope for the Council to do more to improve how well its leisure services contribute to its well-being objectives and those of other public bodies. For example, we found limited joint working arrangements between Legacy Leisure and sports development (on improving the impact of National Exercise Referral Scheme (NERS)) and with other Council services, such as Education, and Health and Social Care to create programmes of activity which work across Council and Legacy facilities. The Council's leisure strategy should address the integration of the council's objectives and that of Legacy leisure. For example, there are opportunities to further integrate Legacy Leisure with related plans and policies, such as Public Health Wales' [Eat well and move more plan](#). This should be central to contract re-negotiations.

Involvement

- 15 The Council appointed consultants to help develop its leisure strategy, yet the level of engagement with partners and service users was limited. Legacy has run community engagement activities such as local sporting events, fairs, shows and exhibitions with a focus on increasing participation and generating more income. These were run by individual centres not as part of a strategic approach to target particular groups. The contract requires Legacy to conduct an annual customer survey, but there is no strategic oversight or coordination to ensure relevance to the Council's wellbeing objectives.
- 16 The contract specification does not currently require Legacy Leisure to involve the community. Specifying such a requirement could help develop a greater

understanding of community needs to tailor programmes, encourage participation and identify barriers to access. Public bodies must comply with their Equality Duty under the Equality Act 2010 when a decision clearly affects a considerable number of people. The Council should consider what else it can do to involve all sections of the community and better target and encourage those of greatest need to participate in activities provided by Legacy Leisure.

Collaboration

- 17 There is significant scope for the Council to assist Legacy Leisure develop joint working arrangements with a broader range of partners to address community needs and increase participation. For example, there is little evidence of a strategic approach to working together across organisational boundaries such as with Cardiff and the Vale University Health Board, Public Health Wales and the Third Sector to maximise the use of available resources.

Prevention

- 18 While services provided by Legacy Leisure will naturally have preventative health benefits, the Council and Legacy have not conducted any local community mapping and analysis to identify individuals in key groups, understand their interests and needs, and effectively tailor sport and physical activity programmes around this information. This will encourage better targeting of service to those most in need of improved health outcomes, which could form part of a shared strategic approach to prevention with other bodies such as those mentioned in the preceding paragraph.
- 19 The contract with Legacy expires in 2022. The Council has agreed to negotiate a five-year extension to the contract up until 2027. This provides the Council with a fresh opportunity to ensure that services delivered through the contract consider the WFG Act principles and make an effective contribution to the Council's Wellbeing Objectives.

The Council has strengthened its management of the contract, but there is scope to improve arrangements to assure itself that it is achieving value for money

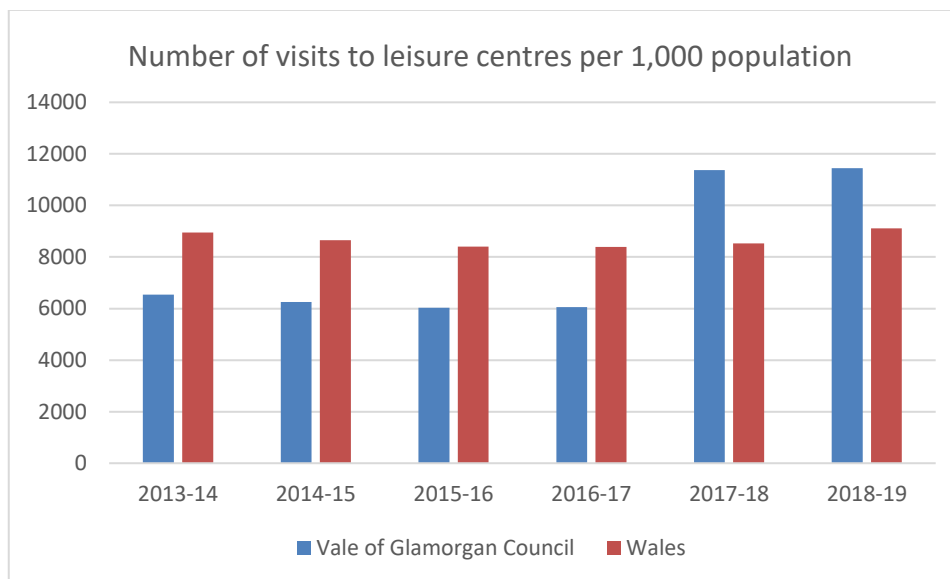
- 20 In reaching this conclusion we found that:
- the Council's Internal Audit service gave an audit opinion of Limited Assurance in June 2018 following its review of the overall effectiveness of the delivery of the contract with Legacy Leisure. A follow-up review in March 2019 found that good progress had been made to address the recommendations and gave an audit opinion of reasonable assurance, with no outstanding recommendations remaining.

- the Council strengthened its arrangements to manage the contract with Legacy Leisure by setting up a new commercial contract management team in April 2018. This team adopted a stronger, multi-disciplined approach to monitor the contract involving officers from Neighbourhood Services, finance, property services and, when required, human resources. There are quarterly client contractor meetings.
- the contract for the outsourcing of the Council's leisure services does not require specific compliance with the Code of Practice on Workforce Matters, (the Code)¹. This has resulted in a 'two-tier' workforce in the outsourced leisure service as those staff who were originally transferred across from the Council have benefitted from retaining their 'preferential' terms and conditions, but those staff newly recruited by Parkwood, and then Legacy, have not.
- the monitoring arrangements in the guidance on the Wales Workforce Code require that information about outsourcing is made in an annual return to Welsh Government and that return, should confirm whether the Code of Practice on Workforce Matters was applied or not. The Council did not submit a return disclosing the outsourcing to Legacy Leisure Limited by way of sub-contract from Parkwood Limited. The Council is therefore not complying with monitoring arrangements set out in the Wales Workforce Code and should arrange to do so.
- the Council's performance in terms of the number of visits to leisure centres is above the Welsh average. The Council's 2018-19 performance ranks the Council as third out of the 22 councils in Wales.

¹ Wales Workforce Code – known as the Two Tier Workforce Codes, issued by the UK and Welsh Governments to deal with perceived disadvantages to: public sector staff who were transferred to a third party, usually as a result of an outsourcing; and staff recruited by the contractor to work alongside the transferred workforce.

Exhibit 2 – the number of visits to leisure centres in the Vale compared to the Welsh Average

The number of visits to leisure centres in the Vale per 1,000 population has increased since 2017 and is well above the Welsh average.



Source: Data Cymru

- 21 Even though the Council and Legacy have achieved top quartile performance in numbers of visits to their centres, there are still opportunities to strengthen arrangements to assure itself that the leisure services delivered by Legacy are securing value for money. A full value for money exercise would involve analysing costs and revenues to the Council over the length of the contract.
- 22 We found that the level of information provided to members to help them monitor performance was relatively limited. For example, there was limited customer feedback information and a lack of social impact measures and benchmarking data.
- 23 In line with our Scrutiny fit for the Future report², and our Discussion Paper: Six themes to help make scrutiny 'Fit for the Future'³ the Council would benefit from exploring how it can improve its scrutiny arrangements to be more impactful. This

² Overview and Scrutiny – Fit For the Future Report found that – the Council has changed its scrutiny arrangements but should consider opportunities for its scrutiny function to work differently to respond to current and future challenges and have greater impact

³ [Discussion Paper: Six themes to help make scrutiny 'Fit for the Future' – Interactive tool.](#)

could be by ensuring better involvement of committee members in selecting agenda items and proper and proactive engagement with local people.

- 24 The Council's Leisure Strategy has four objectives which include: 'More people being physically active every day' and 'People feeling healthier'. However, current performance information focusses on leisure centre usage and memberships rather than frequency of activity and health. This information is important to assist in managing the contract and should be extended to consider the wider impact on health and wellbeing.
- 25 The Council is revising its Corporate Plan and performance management arrangements. This will provide an opportunity to strengthen performance monitoring arrangements for Legacy Leisure services and help manage their impact on the achievement of Wellbeing Objectives and National Wellbeing Goals etc.

Appendix 1

Positive Indicators of the Five Ways of Working

Exhibit 1: positive Indicators of the Five Ways of Working

The table below sets out 'positive indicators' for each of the five ways of working that we have identified. We have not used the indicators as a checklist. They should be viewed as indicators. They helped us to form conclusions about the extent to which a body is acting in accordance with the sustainable development principle in taking steps to meet its Wellbeing Objectives.

What would show a body is fully applying the long-term way of working?

- There is a clear understanding of what 'long term' means in the context of the Act.
- They have designed the step to deliver the well-being objective/s and contribute to their long-term vision.
- They have designed the step to deliver short or medium-term benefits, which are balanced with the impact over the long term (within the project context).
- They have designed the step based on a sophisticated understanding of current and future need and pressures, including analysis of future trends.
- Consequently, there is a comprehensive understanding of current and future risks and opportunities.
- Resources have been allocated to ensure long-term as well as short-term benefits are delivered.
- There is a focus on delivering outcomes, with milestones/progression steps identified where outcomes will be delivered over the long term.
- They are open to new ways of doing things which could help deliver benefits over the longer term.
- They value intelligence and pursue evidence-based approaches.

What would show a body is fully applying the preventative way of working?

- The body seeks to understand the root causes of problems so that negative cycles and intergenerational challenges can be tackled.
- The body sees challenges from a system-wide perspective, recognising and valuing the long-term benefits that they can deliver for people and places.
- The body allocates resources to preventative action that is likely to contribute to better outcomes and use of resources over the longer term, even where this may limit the ability to meet some short-term needs.
- There are decision-making and accountability arrangements that recognise the value of preventative action and accept short-term reductions in performance and resources in the pursuit of anticipated improvements in outcomes and use of resources.

What would show a body is taking an 'integrated' approach?

- Individuals at all levels understand their contribution to the delivery of the vision and wellbeing objectives.
 - Individuals at all levels understand what different parts of the organisation do and proactively seek opportunities to work across organisational boundaries. This is replicated in their work with other public bodies.
 - Individuals at all levels recognise the cross-organisation dependencies of achieving the ambition and objectives.
 - There is an open culture where information is shared.
 - There is a well-developed understanding of how the wellbeing objectives and steps to meet them impact on other public sector bodies.
 - Individuals proactively work across organisational boundaries to maximise their contribution across the wellbeing goals and minimise negative impacts.
 - Governance, structures and processes support this, as do behaviours.
-

What would show a body is collaborating effectively?

- The body is focused on place, community and outcomes rather than organisational boundaries.
 - The body has a good understanding of partners' objectives and their responsibilities, which helps to drive collaborative activity.
 - The body has positive and mature relationships with stakeholders, where information is shared in an open and transparent way.
 - The body recognises and values the contributions that all partners can make.
 - The body seeks to establish shared processes and ways of working, where appropriate.
-

What would show a body is involving people effectively?

- Having an understanding of who needs to be involved and why.
- Reflecting on how well the needs and challenges facing those people are currently understood.
- Working co-productively, working with stakeholders to design and deliver.
- Seeing the views of stakeholders as a vital sources of information that will help deliver better outcomes.
- Ensuring that the full diversity of stakeholders is represented, and they are able to take part.
- Having mature and trusting relationships with its stakeholders where there is ongoing dialogue and information is shared in an open and transparent way.
- Ensure stakeholders understand the impact of their contribution.
- Seek feedback from key stakeholders which is used to help learn and improve.



Audit Wales

24 Cathedral Road
Cardiff CF11 9LJ

Tel: 029 2032 0500

Fax: 029 2032 0600

Textphone: 029 2032 0660

E-mail: info@audit.wales

Website: www.audit.wales

We welcome correspondence and telephone calls in Welsh and English.
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg.