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AGENDA

| | |
|---------------------------------|---|
| Committee | CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE |
| Date and Time of Meeting | TUESDAY, 10 JULY 2018, 4.30 PM |
| Venue | COMMITTEE ROOM 4 - COUNTY HALL |
| Membership | Councillor Lee Bridgeman (Chair) Councillors De'Ath, Philippa Hill-John, Joyce, Morgan, Murphy, Phillips, Taylor and Singh Patricia Arlotte (Roman Catholic representative), Carol Cobert (Church in Wales representative), Rebecca Crump (Parent Governor Representative) and Karen Dell'Armi (Parent Governor Representative) |

*Time
approx.*

- | | | |
|----------|--|---------|
| 1 | Apologies for Absence | 4.30 pm |
| | To receive apologies for absence. | |
| 2 | Declarations of Interest | |
| | To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct. | |
| 3 | The Provision of Cardiff Short Break Services at Ty Storrie (Pages 3 - 38) | 4.35 pm |
| | (a) Councillor Graham Hinchey, Cabinet Member – Children & Families, will be invited to make a statement. Sarah McGill, Corporate Director - People and Communities, and Angela Bourge, Operational Manager - Strategy, Performance and Resource, will be available to give a presentation and to answer Members' questions; | |
| | (b) Questions by members of the Committee; | |
| | (c) The way forward will be considered at the end of the meeting | |

4 The Provision of English-Medium Primary School Places in the Llanrumney area 5.30 pm

Papers to follow

- (a) Councillor Sarah Merry, Deputy Leader, Education, Employment & Skills, will be invited to make a statement. Nick Batchelar, Director of Education, and Michele Duddridge-Hossain, Operational Manager- Planning and Provision, will be available to present the report and answer Members' questions;
- (b) Questions by members of the Committee;
- (c) The way forward will be considered at the end of the meeting

5 Work Programme Report (Pages 39 - 48) 6.15 pm

- (a) Angela Holt, Principal Scrutiny Officer, will briefly present the report;
- (b) Committee Members to discuss the work programme.

6 Way Forward 6.45 pm

7 Date of next meeting

The next scheduled meeting of the Children & Young People Scrutiny Committee is on Tuesday 11 September 2018 at 4.30 pm

Davina Fiore

Director Governance & Legal Services

Date: Wednesday, 4 July 2018

Contact: Mandy Farnham,

02920 872618, Mandy.Farnham@cardiff.gov.uk

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE

10 July 2018

**THE PROVISION OF CARDIFF SHORT BREAK SERVICES AT TY
STORRIE: Pre- Decision Scrutiny**

Purpose of Report

1. To provide Members with the opportunity to carry out pre-decision scrutiny of the report to Cabinet, attached at **Appendix 1**, prior to its consideration by the Cabinet at its meeting on the 12 July 2018.

Background

2. Ty Storrie is a children's home, owned by the Council, with services provided by Action for Children. The home is registered to provide overnight short stays for up to 8 disabled children and young people at any one time.
3. Cardiff Council also owns Crosslands children's home, which is managed in-house, with the Council as the registered provider.
4. The report to Cabinet requests approval to end the current arrangements for the delivery of service at Ty Storrie and to integrate the short break service within Cardiff Council direct provision.

Issues highlighted in the report to Cabinet

5. The contract with Action for Children commenced in March 2012 and was subsequently extended to December 2014. Since then, Action for Children have continued to deliver the service on behalf of the Council out of contract, "holding over" on the same terms and conditions as previously.

6. The report to Cabinet highlights the following issues:

- Ty Storrie has been under-utilised since opening, following the need to clarify registration arrangements for use of the facility for nursing beds.
- Action for Children has experienced on-going staffing issues, which have had an impact on the stability of the service at Ty Storrie
- An options appraisal of future arrangements for short breaks service delivery concluded it made sense to aspire towards greater alignment of Cardiff Short Break with the Council's existing in-house provision (options appraisal attached at **Appendix A** of report to Cabinet).
- Crosslands children home has an exceptional track record and is highly regarded by the Council and regulators.
- Crosslands children home provides quality care and value for money and it is therefore believed Children's Services has the capability to do similar in respect of Ty Storrie.
- Parents have been written to, informing them that the Council is considering options for the future of Ty Storrie with in-house being the preferred option (letter attached at **Appendix B** of report to Cabinet).
- Continuity of service for children will be maintained as it is expected that TUPE¹ will apply for staff currently employed by the existing provider.

7. At **point 18**, the report to Cabinet summarises the key benefits of moving to in-house provision of short breaks.

8. The report to Cabinet includes a number of appendices, as follows:

- Appendix A – Options Appraisal
- Appendix B – Letter to parents
- Appendix C – Equalities Impact Assessment

9. The Cabinet is recommended to

1. *'Agree, in principle, to the proposed transfer of the provision of the Short Break services to the Council's in-house team, as detailed in the body of the report, subject to the outcome of further consultation with relevant stakeholders, including service users; and '*

¹ TUPE stands for Transfer of Undertakings (Protection of Employment) arrangements

2. *'Should recommendation 1 be approved, delegate authority to the Corporate Director People and Communities in consultation with the Cabinet Member for Children and Families, the Section 151 Officer and the Director of Law and Governance, to attend to all substantive matters to give effect to the proposal (provided that the Directorate has taken account of the outcome of the further consultation referred under recommendation 1) including (without limitation):-*

- (i) Liaising with the incumbent provider to agree a mutually agreeable date to terminate the existing contractual arrangements and to transfer the delivery of the Short Break service to the Council's in-house team;*
- (ii) Deal with all associated matters, including (without limitation) the registration of the Ty Storrie property and the termination of the existing licence arrangements.'*

Scope of Scrutiny

10. The scope of this scrutiny is for Members to consider and provide comments on the draft report to Cabinet. Pre-decision scrutiny aims to inform the Cabinet's decisions by making evidence based recommendations. Scrutiny Members are advised to:

- a. look at the information provided in the report to Cabinet to see if this is sufficient to enable the Cabinet to make an informed decision;
- b. check the financial implications section of the Cabinet report to be aware of the advice given;
- c. check the legal implications section of the Cabinet report to be aware of the advice given;
- d. check the recommendations to Cabinet to see if these are appropriate.

Way Forward

11. Councillor Graham Hinchey (Cabinet Member for Children & Families), Sarah McGill (Corporate Director – People & Communities), and Angela Bourge (Operational Manager – Strategy, Performance and Resources) will present the report to the Committee, and be available to answer any questions Members may have.
12. This report will also enable Members to provide any comments, concerns or recommendations to the Cabinet Member prior to its consideration by Cabinet.

Legal Implications

13. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

14. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

RECOMMENDATIONS

The Committee is recommended to:

- a) Review and assess the information contained in the draft Cabinet Report, attached at **Appendix 1**, together with any information provided at the meeting
- b) Provide any recommendations, comments or advice to the Cabinet Member and/or Corporate Director – People & Communities prior to the report's consideration by Cabinet.

Davina Fiore

Director of Governance and Legal Services

4 July 2018

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***THIS REPORT MUST BE ACCOMPANIED BY THE
REPORT AUTHORISATION FORM 4.C.214***

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING: 12 July 2018

**THE PROVISION OF CARDIFF SHORT BREAK SERVICES
AT TY STORRIE**

**REPORT OF CORPORATE DIRECTOR OF PEOPLE &
COMMUNITIES**

AGENDA ITEM:

PORTFOLIO: CHILDREN & FAMILIES

Reason for this Report

1. To inform Cabinet of the current position in relation to the Cardiff Short Breaks Service at Ty Storrie.
2. To request Cabinet approval to end the current arrangements for the delivery of service at Ty Storrie and to integrate the short break service within Cardiff Council direct provision.

Background

3. Cardiff Council currently owns two children's homes. Those children's homes are Crosslands and Ty Storrie.
4. Cardiff Council is the registered provider of Crosslands and the home has an exceptional track record and is highly regarded by the Council and regulators.
5. Action for Children is the current registered provider of Cardiff Short Breaks at Ty Storrie. The home is registered with CIW to provide overnight short stays for up to 8 disabled children and young people at any one time. The service is available to children who are assessed as being in need of Care and Support and have a Social Worker based in the Child Health and Disability teams. The service aims to provide respite to families most in need of a break from caring. In addition the service is designed to support children to achieve individual

outcomes by supporting young people to develop social, communication, self-care skills and expand their social networks during their short break stay.

6. The service has been provided by the incumbent provider since the inception of the service in approximately 1997. The service was originally provided from a residential property owned by the provider but funded by the Council on Rhydypenau Road. In August 2011 it was relocated to the bespoke new build Ty Storrie on the site of the new Ty Gwyn School on Vincent Road. The Ty Storrie building is owned, fitted out, furnished and maintained by Cardiff Council in accordance with the terms of a property and maintenance agreement between the two organisations. The service provider occupies the building under the terms of a licence associated with the service delivery contract.
7. The original plan was for 4 of the beds to be used to deliver Cardiff Short Breaks to children identified via Cardiff Children's Services (and potentially more in the future), and for Cardiff and Vale University Health Board nurses to use 4 of the beds a few nights per week. It was expected that a partnership delivery arrangement between Cardiff Council and Cardiff and Vale University Health Board (CVUHB) would be ready for implementation by 2010/11. However, discussions with The Care and Social Services Inspectorate Wales (CSSIW), at the time identified the need to further clarify registration requirements. As a result, it was decided that it was not appropriate to tender the Cardiff Short Breaks Service at that time. The existing service provider was actively involved in alignment of the service within regulatory requirements, and as such a necessary partner in planning the future service.
8. A single invitation to tender for the service was issued to Action for Children in 2011. The contract with Action for Children commenced on the 22 March 2012 and was extended in accordance with the original terms and conditions until the 13th of June 2013. The contact was further extended until December 2014 and since this time.
9. Action for Children have continued to deliver the service on behalf of the Council out of contract. The Council and the provider have been "holding over" on the same terms and conditions as previously, and this will continue until either party changes or ends the arrangement.

Issues

10. The building has been underutilised since opening. Service levels for the service have been between 1 and 5 children per night, depending on the ability to match children and the preferences of parents. Plans to integrate services would have addressed this issue by adding children requiring nursing to the service.

11. These issues have now been addressed to the UHB's satisfaction. However during the last quarter of 2017/18 Children's Services were informed that the needs of Cardiff and Vale University Health Board (CVUHB) have changed over time, both in terms of increased need and complexity of young people. Their needs can no longer be met by the proposed integrated service.
12. There have also been some concerns about some aspects of the service provided at Ty Storrie resulting in the issuing of a non-compliance notice in March 2017 placed on the provider by the regulator CIW following an inspection.
13. The provider fully cooperated with the Council to address areas of development outlined in the resulting improvement plan and progress was made in a timely and satisfactory way. A follow up inspection was undertaken by the regulator in August 2017 and it confirmed that areas of non-compliance had been successfully addressed and improvements were noted in the Inspector's October 2017 report.
14. However despite the provider's hard work to address concerns it has continued to experience on-going staffing issues which have impacted on the stability of the service.

Proposal to Bring the Service In-house

15. An option appraisal has been undertaken in respect of the future arrangements for delivering the service (**Appendix A**). The three options considered were: do nothing / direct award to existing provider, full tender, or bring the service in house.
16. Under Cardiff Council's Contract Standing Orders and Procurement Rules, 'before any external procurement is considered, it is important to ensure that no existing in-house provision exists for the Goods, Services or Works required. In-house services must be used unless the procuring service area and the in-house services provider agree otherwise'.
17. The People and Communities Directorate already operates Crosslands Children's Home. Given the proven track record of operating Crosslands and the fact that the Council owns the Ty Storrie building, it makes sense to aspire towards greater alignment of Cardiff Short Break with Crosslands. Crosslands provides quality care and value for money and it is therefore believed Children's Services has the capability to do similar in respect of Ty Storrie.
18. Key benefits related to delivering the service in-house are:

- Streamlining of activity, responsibilities and accountability through the service's appointed manager and it's Responsible Individual.
 - Direct governance and quality assurance, including direct professional supervision of the service manager, management of referrals, Regulation 73 quality of care visits (previously called Regulation 32 visits prior to the change in regulations), Council performance systems, recruitment processes and Human Resources processes.
 - A single record systems for short break and social work staff, which will enable professionals to have real time access to information which impacts on care or planning.
 - Access to training & development opportunities and public sector terms and conditions for new staff are expected to reduce staff turnover and strengthen recruitment and retention arrangements to promote a stable and appropriately qualified staff team.
 - Achieving better management of building related issues given that the registered provider will also be the owner of the building.
 - A competitive tender process and potential transfer of services will take significantly longer than a direct transfer of provision to the Council since a tender will take additional time to complete.
19. Continuity of service for children will be maintained since it is expected that staff currently employed by the current provider will transfer to the Local Authority under the Transfer of Undertakings (Protection of Employment) (TUPE) arrangements. Whilst there is currently a vacancy for a manager of the service, it is expected that recruitment to the post will be progressed by the Council following the decision being made to bring the service in-house.
20. Should the proposal be agreed the council will be in a stronger position to review the model of care and address the issues of underutilisation of the building by exploring additional options.

Registration

21. The Council will need to complete its own application to the CIW to register the service that will be delivered when the arrangement with Action for Children comes to an end.
22. The Council will need to complete a Statement of purpose to support its application and in the first instance will largely align with that of the previous provider to ensure continuity for families during the transition phase.

23. Upon transfer the Council will inherit the responsibilities of delivering the service within the regulatory requirements and will be able to initiate planning to develop and improve the services within the terms of its registration and by varying the statement of purpose over time.

The Need to Deliver Prudent Services / Resources

24. Under the current arrangements, the Council makes a contract payment to the current provider for the provision of the short breaks service and as owner of Ty Storrie, the Council also maintains its own property and equipment budgets.

25. Separately, the UHB makes a direct contribution of £34,029 towards the provision, and in addition to its direct payment to the provider, the UHB also makes a contribution to the Council.

26. Consideration has been given to the potential costs of a Council run service, should it be brought in house. In considering the costs of an in-house option, account has been taken of differing pay grades and terms and conditions that would apply to the staff once they are employed by the Council. Initial costs are likely to be lower as staff transfer on existing pay scales under TUPE.

27. Taking all available information into account, it is considered that an in-house service could be accommodated within the current funding levels from all sources.

28. It is worth noting that a management fee applies to most social care services contracted by the Council. Delivering the service in-house would support a re-investment of this resource into direct service delivery.

Local Member consultation (where appropriate)

29. The proposal does not involve a local issue. The proposal does not require the carrying out of consultation under statute or at law or by reason of some promise or undertaking previously given by or on behalf of the Authority.

30. It is a statutory requirement to provide short breaks services to disabled children and young people with assessed needs. This proposal does not seek to change amounts of delivery of service to this group, but does seek to change the delivery mechanism of the service.

31. Members of the Corporate Parenting Advisory Committee are aware of the service and the recent issues it has faced. They will continue to receive and discuss monthly Regulation 73 Quality of Care Reports for this service (previously received as Regulation 32 reports prior to the change in regulations).

32. Any changes in service design, funding decisions and change in priorities is likely to generate interest from parents, professionals, member of the Federation of Special Schools on site and Elected Members whose constituents have an interest in the delivery of services for disabled children. However, this proposal seeks to bring the existing service in-house in the first instance, with little change to the operational arrangements at that time. It is anticipated that a review of the model of care and the operational arrangements for delivering the service will be undertaken post transfer if the Cabinet is minded to agree the proposal and this will be subject to a specific consultation exercise with all key stakeholders.

33. Parents were have been written to, informing them that the Council is considering options for the future of Ty Storrie with in-house being the preferred option (**Appendix B**).

Reason for Recommendations

34. There is no longer a clear rationale for the service to be delivered externally nor a compelling reason why the contract should be awarded to the current provider. The benefits of delivering in-house are outlined in this report.

35. There are some benefits associated with commissioning the service externally which the Council will not be able to replicate in exactly the same way, however the difficulties of the current arrangement and need for high quality consistent service delivery have proved to outweigh the benefits.

36. The proposal to end the current contract and apply for the Council to become the registered provider of Ty Storrie aims to better align the Council's level of control with its ultimate level of responsibility.

37. It is intended that the service will sit within the Specialist Service portfolio of Children's Services and as a result will benefit from greater alignment with other regulated services. Links to the multi-agency Disability Futures programme will support development within the wider partnership context.

38. The Council has the necessary leadership, expertise, and support structures to successfully develop a high quality management and staff team to deliver Ty Storrie. There is therefore a positive outlook to bringing the service in-house.

Financial Implications

39. The report seeks agreement, in principle, to the proposed transfer of the current externally commissioned children's Short Breaks service to an in-house team.

40. The Council currently commissions a short breaks service from an external provider (Action for Children) at a cost of £409,172 per annum. As the Council owns the property, Ty Storrie, from which the service is delivered, it also maintains separate property (facilities management) and equipment budgets totalling £64,070 in relation to the facility. It is also known that Cardiff and Vale UHB also makes a direct contribution of £34,029 towards the running cost of the service. Overall funding for the service, therefore, currently amounts to £507,271.
41. Consideration has been given, in consultation with Financial Services, to the potential costs of an in-house option, taking account of a proposed staffing structure based on Council pay scales, existing non-staff costs, the removal of the provider management fee and TUPE. Taking account of these factors, it is considered that an existing in-house service could be operated within the current funding level for the service. It is assumed property (facility management) costs will remain neutral.
42. Although, it is indicated that the in-house service could be run within the existing funding level, the budget available is effectively £50,000 below this figure. This reflects a budget saving proposal (£50,000) put forward by Social Services in 2017/18, in relation to the integration of services delivered from Ty Storrie, via a partnership agreement between CVUHB and Cardiff Council. Given the wider issues relating to the service, the partnership agreement with CVUHB cannot be progressed and this saving cannot therefore be realised in the short term. This is, therefore, an ongoing issue that the Directorate will need to address.
43. As indicated in the report, in addition, to its direct payment to the provider, the UHB also makes a contribution of £100,000 to the Council, towards the contract payment the Council makes in respect of the service. The ongoing provision of this contribution from the UHB is currently the subject of separate discussion. Although, it is considered that the proposal to bring the service in-house would not adversely affect any decision over this element of funding, efforts should continue to secure this funding element for the service. The withdrawal of this funding would potentially cause a significant funding issue for the Directorate.
44. Whilst, the report notes the operational issues that support an in-house, as opposed to an externally commissioned, option it is essential that service delivery costs are kept to a minimum in order to ensure value for money for the Council.

Legal Implications (including Equality Impact Assessment where appropriate)

45. The proposal sought, put simply, is to transfer the delivery of the Short Break Respite services at Ty Storrie to the Council's in-house team.

46. By way of background, the incumbent provider has been delivering these services at Ty Storrie for a number of years. A formal contract governing the provision of the services expired in December 2014 (“the 2014 contract”). That said, Action for Children has continued to deliver the services at Ty Storrie in consideration of the contract payment and accordingly there is a contractual relationship in place between the parties. Arguably, in the absence of a written agreement, the terms and conditions of the written contract continue to apply and it is understood that both parties have continued with their respective contractual obligations under the 2014 contract. With regards to terminating the existing contractual relationship, any such written notice period should be both proportionate and reasonable having regard to the nature of the services and all material factors.

47. The proposal does raise TUPE issues – please refer to the HR implications set out in the report.

48. It is noted from the body of the report that the Directorate intends to carry out further consultation upon the proposed transfer of the services to the Council’s in-house team. Consultation gives rise to the legitimate expectation that due regard should be had to the outcome of any such consultation and in this regard it is noted that the delegation of authority sought for the Corporate Director is caveated upon that basis.

Equality Duty

49. In considering this matter the decision maker must have regard to the Council’s duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief – including lack of belief.

50. The report identifies that an Equality Impact Assessment has been carried out and is appended at **Appendix C**. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

51. The decision maker should also have regard when making its decision to the Council’s wider obligations under the Social Services and Wellbeing (Wales)

Act 2014 and The Wellbeing of Future Generations (Wales) Act 2015. In brief both acts make provision with regards promoting/improving wellbeing.

HR Implications

52. There has been Trade Union consultation on the information held within this report. Feedback from the consultation which took place on the 2nd of July 2018 was positive. They were supportive of the proposal and agreed that it would enable Children's Services to have more control over the quality of the provision and future developments. As stated in the report there are staff which will transfer to the Council from the current provider under the Transfer of Undertakings (Protection of Employment) Regulations 2006. The Council will abide by this legislation as it is set down and ensure that all consultation requirements are met.

RECOMMENDATIONS

Cabinet is recommended to:-

1. Agree, in principle, to the proposed transfer of the provision of the Short Break services to the Council's in-house team, as detailed in the body of the report, subject to the outcome of further consultation with relevant stakeholders, including service users; and
2. Should recommendation 1 be approved, delegate authority to the Corporate Director People and Communities in consultation with the Cabinet Member for Children and Families, the Section 151 Officer and the Director of Law and Governance, to attend to all substantive matters to give effect to the proposal (provided that the Directorate has taken account of the outcome of the further consultation referred under recommendation 1) including (without limitation):-
 - (i) Liaising with the incumbent provider to agree a mutually agreeable date to terminate the existing contractual arrangements and to transfer the delivery of the Short Break service to the Council's in-house team;
 - (ii) Deal with all associated matters, including (without limitation) the registration of the Ty Storrie property and the termination of the existing licence arrangements.

Sarah McGill
Corporate Director People and Communities
Date: 14 June 2018

The following appendices are attached:

Appendix A - Options Appraisal

Appendix B - Letter to parents

Appendix C - Equalities Impact Assessment

The following background papers have been taken into account:

Officer Decision Report: Interim contract arrangements relating to the provision of Short Break Services at Ty Storrie (dated 4th of June 2013)

Officer Decision Report: Extension to the contract relating to the provision of Short Break Services at Ty Storrie (dated 2nd of December 2013)

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Appendix A

THE PROVISION OF CARDIFF SHORT BREAK SERVICES AT TY STORRIE

Option Appraisal

The purpose of this options appraisal is to inform a decision to secure a future provider of the Cardiff Short Break Service at Ty Storrie. The document is an appendix to the Cabinet report presented by the Director of People and Communities to the 12 July Cabinet meeting.

The Cardiff Short Breaks service has been provided by the incumbent provider since the inception of the service in approximately 1997. Two single invitations to tender and associated contracts have been issued in recent years. Those contracts were in place during 2012-2013 and 2013-14. Since December 2014, the incumbent provider has continued to deliver the service on behalf of the Council out of contract.

Whilst those contracts and the period since were intended to provide an opportunity to resolve outstanding issues and secure future arrangements, the contexts has now significantly changed. Details are provided in Background section of the Cabinet Report.

Three options are considered below:

1. Do nothing / direct award to existing provider
2. Full tender
3. Bring the service in house

Option 1: Do nothing / direct award to existing provider

Benefits

- Parents and families know what to expect from this service and are familiar with its staff.
- A pre-agreed price. Control over spend is with the provider, with risks associated with overspend held with the provider.

Appendix A

- Shared learning across a network of UK wide services.
- Staff provide cover across a number of similar provider owned provisions.
- The provider has access to third sector fundraising opportunities and volunteers for tasks such as painting and decorating or gardening.
- The provider would be responsible for registering the home and designating the responsible Individual to comply with regulatory requirements.
- The provider would be responsible for managing staffing issues.

Risks

- There is no longer justification for this option. Previous justification was reliant upon the implementation of an integrated model to include children who have complex health needs and require nursing care. That model is no longer progressing.
- It will not comply with the Contract Standing Orders and Procurement Rule which state:
'before any external procurement is considered, it is important to ensure that no existing in-house provision exists for the Goods, Services or Works required. In-house services must be used unless the procuring service area and the in-house services provider agree otherwise'.
- There have been quality issues with the service. Whilst the provider has worked hard to address concerns, staffing issues remain.
- Risks associated with poor performance are only partially delegated as Children's Services remain responsible for monitoring.
- This option remains highly resource intensive for Social Services Team Manager, Operational Managers, plus range of other Council staff involved in monitoring and performance management.
- A contract arrangement is inflexible in meeting the bespoke and changing needs of children and young people and in responding to emergency placements.
- Duplication of activity associated with resource functions (H&S, finance etc).
- Duplication of activity associated with the building because of the building ownership and maintenance arrangements.

Appendix A

Costs

- Under current arrangements and based on evidence from recent years, the incumbent provider is likely to exceed their budget and incur a financial loss.
- The provider charges a management fee which detracts from the amount that is available for direct service delivery.
- Non-staffing costs appear expensive compared to Council costs.
- Staffing costs have been high due to the circumstances of the service in the last year.
- Staff salary rates of the incumbent provider appear lower than those of the Council.

Option 2: Full tender

Benefits

- Competitive process that may drive down overall costs and provide other social value / benefit opportunities.
- Open and transparent.
- A pre-agreed price. Control over spend is with the provider, with risks associated with overspend held with the provider.
- Permanent staff will transfer to the new provider under TUPE. Those staff will remain familiar faces to children and families using the service.
- A new provider may have access to third sector fundraising opportunities and volunteers for tasks such as painting and decorating or gardening.
- The provider would be responsible for registering the home and designating the responsible Individual to comply with regulatory requirements.
- The provider would be responsible for managing staffing issues.

Risks

- This option is not a favoured option within the Contract Standing Orders and Procurement Rule which state:

'before any external procurement is considered, it is important to ensure that no existing in-house provision exists for the Goods, Services or Works required. In-house services must be used unless the procuring service area and the in-house services provider agree otherwise.'

- Length of time a tender will take will cause considerable delay in improvement.

Appendix A

- Going out to full tender will also require significant officer time to administer the process.
- It is not known how many, what quality or how experienced the providers who will apply will be.
- Children's Services will remain responsible for monitoring.
- Is likely to remain highly resource intensive for Social Services Team Manager, Operational Managers, plus range of other Council staff involved in monitoring and performance management.
- A contract arrangement is inflexible in meeting the bespoke and changing needs of children and young people and in responding to emergency placements.
- Duplication of activity associated with resource functions (H&S, finance etc).
- Duplication of activity associated with the building because of the building ownership and maintenance arrangements.

Costs

- The tender will either specify a price or a service level. There is a risk that either the price will be higher or the service level will be lower. However a new provider might be more competitive and able to provide a higher service level or lower price.
- The provider will charge a management fee.
- Staffing and non-staffing costs will not be known until tenders are returned.

Option 3: Bring service in house

Benefits

- Cardiff Council's Contract Standing Orders and Procurement Rules state:
'before any external procurement is considered, it is important to ensure that no existing in-house provision exists for the Goods, Services or Works required. In-house services must be used unless the procuring service area and the in-house services provider agree otherwise.'
- Under the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) there is an opportunity for Cardiff Council to re-structure the registration of its services. It makes sense for both of the Council's regulated children's homes to

Appendix A

fall under the leadership of the same senior manager (Responsible Individual) and the same registered provider.

- The Council's People and Communities Directorate already operates Crosslands Children's Home as a highly successful and well regarded service. Crosslands provides quality care and value for money and it is therefore believed Children's Services has the capability to do similar in respect of Ty Storrie.
- This option will enable alignment of Cardiff Short Breaks with Crosslands.
- Direct governance. The greatest level of control, oversight and quality assurance, including direct professional supervision of the service manager, management of referrals, Regulation 73 quality of care visits, Council performance systems, recruitment processes and Human Resources processes.
- It will be possible to streamline activity, responsibilities and accountability through the service's appointed manager and it's Responsible Individual.
- The registered provider also being the owner of the building makes sense in achieving better management of building related issues and will reduce duplication.
- Lowest management resource burden – The Responsible Individual will be fully responsible i.e. no need to review and challenge provider's monitoring information, no monitoring meetings, Social Services Team Manager decision making no longer required in relation to the building budget.
- Access to training & development opportunities and public sector terms and conditions for new staff are expected to reduce staff turnover and strengthen recruitment and retention arrangements to promote a stable and appropriately qualified staff team.
- Permanent staff will transfer under TUPE. Those staff will remain familiar faces to children and families using the service.
- No management fee. This will mitigate the risk of higher staffing costs, set up costs, and making the necessary improvements to the service.
- The greatest control and understanding of spend.
- The ability to amalgamate the service area's furniture and equipment budget with the service budget to provide greater flexibility in meeting the needs of the service.
- Flexibility of model and practice to meet emerging need, since Social Services will not be tied to a contract.

Appendix A

- A single record systems for short break and social work staff, which will enable professionals to have real time access to information which impacts on care or planning.
- Opportunity to review the model of care and address the issues of underutilisation of the building by exploring additional options.
- Retains potential to go back out to the market in the future if that becomes desirable.
- Recruitment and retention of staff likely to be more successful on Council terms and Conditions.

Risks

- Higher staffing costs than contracted provider.
- Staff transferring in under TUPE will have a different salary to those staff recruited into the service by the Council and this could cause initial disharmony in the team as others are recruited on the Council's salary scales.
- The Council will be responsible for managing existing and new attendance and wellbeing issues.
- Future restructure and capacity to complete this may be required to fully align the service structure with the Council's existing Children's Home portfolio.

Costs

- The current service level (or higher) can be delivered within the existing resource envelope.
- No management fee will be paid to an external organisation. The whole budget will be spent on delivering the service, or resourcing any subsequent restructure which may be required.
- Council non-staffing costs appear less than the incumbent provider.
- Council staff salary scales tend to be higher than commissioned providers.
- The Council has a track record of good staff retention, has robust attendance and wellbeing policies and is thought to be an attractive employer. Improved staff retention and reduced staffing issues will reduce the need to use agency staff and is likely to reduce the risk of any overspend on staffing costs.
- Financial risks can be best managed by the Council directly employing the Manager of the service.



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Dear parent / carer

Re: Ty Storrie – Cardiff Short Breaks Service

I am writing to keep you informed of recent discussions that Cardiff Council has been having about the delivery of short breaks services for disabled children at Ty Storrie.

As you are aware the Council currently has an arrangement with Action for Children to provide this service to you on our behalf and we meet with them regularly to ensure good quality delivery of services that meet your needs.

Cardiff Council have been working more closely with Action for Children over the last 18 months to enable them to improve service delivery to you and your children.

Cardiff Council is now considering all options to support sustained improvements in service delivery and best use of the Ty Storrie building. These options will be detailed in a report that will be put before Cabinet on **12th July 2018**.

A copy of the Cabinet report will be available on the Council website at www.cardiff.gov.uk from **Friday 6th July**, should you wish to access this. The Cabinet meeting is open to members of the public to observe and details of the time and venue for the meeting will also be published on the website should you wish to attend. We will write to you again following this meeting to communicate the outcome and to inform you of next steps.

We want to reassure you that any changes in who delivers this service won't change your child's access to Ty Storrie and the service you currently receive. Above all we wish to maintain continuity of service for you and your child. However, we expect that by making changes we can further improve the services you receive and sustain these over time, to enable your child to continue to have positive stays that support you and your family to receive a much needed break.

Once a decision has been made regarding the delivery method for Ty Storrie, we will arrange to meet with you and other families who receive the service, to ensure that you are involved in the next steps for developing this much valued service.

If you have any queries or want to discuss this further then please feel free to contact your social worker directly, or myself on SWoelk@cardiff.gov.uk

Yours sincerely

Sarah Woelk
**Operational Manager Targeted Services
Cardiff Council**

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



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Equality Impact Assessment
Corporate Assessment Template

| |
|---|
| Policy/Strategy/Project/Procedure/Service/Function Title: Ending Contract Arrangements with Action for Children in providing Short Breaks for Cardiff and securing new arrangements through an in-house provision |
| New/Existing/Updating/Amending: New |

| | |
|---|---|
| Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function? | |
| Name: Angela Bourge | Job Title: OM – Strategy Resources and Planning |
| Service Team: Children’s Services | Service Area: Social Services |
| Assessment Date: 05/05/2018 | |

1. What are the objectives of the Policy/Strategy/Project/ Procedure/ Service/Function?

| |
|---|
| <p>The proposal is to end the current contract arrangements with Action for Children for the delivery of the Cardiff Short Breaks Service based at Ty Storrie Childrens Home.</p> <p>This will include the following</p> <ul style="list-style-type: none"> • Terminating the contract with Action for Children • Council Registration of the children’s home with Social Care Wales • Transitioning the service and staff team into the council • Providing a residential short breaks service to disabled children who meet the access criteria so that families have respite which minimises the risk of family breakdown. |
|---|

2. Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

| |
|---|
| <p>Cardiff Short Breaks services is currently delivered by Action for Children within Ty Storrie, a 2 storey building situated on the Western Learning Campus in West Cardiff, Ely.</p> <p>Action for Children have held the contract for delivering this service for over 13 years. The service moved from a residential area in Cyncoed to the Ty Storrie, purpose built home in 2011 and therefore contract arrangements were put in place to ensure a smooth transition of services.</p> <p>An interim contract was in place up to December 2013, with the expectation that new</p> |
|---|

CARDIFF COUNCIL

Equality Impact Assessment Corporate Assessment Template

arrangements could be put in place in partnership with the UHB for the delivery of an integrated service from this date.

However, a number of tasks required completion before integration could be taken forward, which contributed in the further significant delay of contract arrangements.

The service is now in a position, where integration with the UHB for children with profound health care needs is no longer viable.

Delivery of the service from Cardiff Council will require a transfer of the staff team to ensure continued service delivery and compliance with the Transfer of Undertakings (Protection of Employment) regulations (TUPE).

Further information can be found within the Officer Decision Report and subsequent Appendices.

3 Assess Impact on the Protected Characteristics

3.1 Age

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

| | Yes | No | N/A |
|----------------|-----|----|-----|
| Up to 18 years | X | | |
| 18 - 65 years | X | | |
| Over 65 years | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Service Delivery

The short breaks services is currently only offered to children and young people up to the age of 18 years, leaving the service on their 18th Birthday.

The service is and will continue to be offered to those assessed to be in need by the Child Health and Disability Teams (CHAD) in Cardiff Social Services. The core objective of the change of service provider is to positively improve the quality of the service provided to young people.

Young people in need of care and support after their 18th birthday are transferred to Adult Social Services assessment and case management teams shortly before the young persons' 18th birthday. They will therefore not be affected by this change.

Staffing

The staff team at Ty Storrie are adults (aged 18+). They will continue to enjoy the same terms and conditions of employment with the Council as they currently have with their

CARDIFF COUNCIL

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outgoing employer. TUPE legally protects them against change/harmonisation for an indefinite period. New employees (employed after the transfer) who fill any vacancies which arise will be subject to Council terms and conditions which are considered better than those of the outgoing employer.

What action(s) can you take to address the differential impact?

Any differential impact will be positive.

The service will only be accessed via an assessment of care and support needs undertaken by social workers within the CHAD teams, with a panel decision required to progress a referral.

This will ensure that the service continues to be prioritised for those children and families who need it most, with other services continuing to be available to families and children to provide care and support.

3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

| | Yes | No | N/A |
|---|----------|----------|----------|
| Hearing Impairment | X | | |
| Physical Impairment | X | | |
| Visual Impairment | X | | |
| Learning Disability | X | | |
| Long-Standing Illness or Health Condition | | X | |
| Mental Health | X | | |
| Substance Misuse | | | X |
| Other | X | | |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The decision will have a positive impact on children with disabilities and additional needs, since the change is intended to improve the quality of the service they receive. The service is predominantly providing support to children and young people with learning disabilities and co-morbid conditions. A smaller number of children access the service who have physical and medical needs, including epilepsy and feeding needs. The service is not available for children and young people with mental health conditions only. However, a number of children and young people with learning disabilities with associated mental health conditions could be supported by the service. These eligibility criteria will not change during the transfer of the service between providers.

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The service is not able to meet the needs of those individuals with significant and complex medical support which require the oversight of nurses and are assessed as continuing care.

This retains the current service offer, with these children continuing to access services directly from Cardiff and Vale UHB

What action(s) can you take to address the differential impact?

The differential impact is a positive one and will therefore not need to be addressed.

Opportunities to allow Cardiff and Vale of Glamorgan University Health Board to use the building to deliver a stand-alone service independently of the Council service will be considered in parallel with the new service specification process, but do not form part of the service which is being transferred between providers.

3.3 Gender Reassignment

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

| | Yes | No | N/A |
|---|-----|----|-----|
| Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex) | | | X |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This activity will have neither a positive or negative impact on this group of people.

What action(s) can you take to address the differential impact?

N/A

3.4. Marriage and Civil Partnership

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

| | Yes | No | N/A |
|-------------------|-----|----|-----|
| Marriage | | | X |
| Civil Partnership | | | X |

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Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This activity will have neither a positive or negative impact on this group of people.

The respite service is available to families, via an assessment conducted by a social worker within the CHAD teams. There are a mix of families who access the service with differing family circumstances.

Respite allocation may be for a number of factors. It should not be assumed that dual parent households are more resilient and therefore less likely to require respite services. In the same way, single parent households should not be assumed to have less resilience.

The assessment process undertaken takes into account a number of factors including the impact of caring for their disabled child in order to assess the need for respite.

It is this assessment process only that determines the need for a service, and not marital status.

What action(s) can you take to address the differential impact?

All assessments will continue to be completed by qualified social workers and requests for short breaks respite is made via a panel with authorisation from a Team Manager.

3.5 Pregnancy and Maternity

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

| | Yes | No | N/A |
|-----------|-----|----|-----|
| Pregnancy | | | X |
| Maternity | | | X |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This activity will have neither a positive or negative impact on this group of people.

For those families who have a child accessing the service, there may be flexibilities in delivery of respite as and when required. However, this is on an assessed needs basis and should not be seen as a standard service offer within the specification of the service. This approach will be maintained upon transfer.

Staff who are pregnant or on maternity leave at time of transfer may be impacted in that they could be away from the service at the point of transfer and any associated induction training

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What action(s) can you take to address the differential impact?

Staff transferring to the council under TUPE arrangements who are pregnant or on maternity leave will have to be automatically included in transfer arrangements to avoid any negative differential impact. Arrangements for induction will need to be made upon their return to work.

3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

| | Yes | No | N/A |
|---|-----|----|-----|
| White | | | X |
| Mixed / Multiple Ethnic Groups | | | X |
| Asian / Asian British | | | X |
| Black / African / Caribbean / Black British | | | X |
| Other Ethnic Groups | | | X |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This activity will have neither a positive or negative impact on this group of people.

Statistics of children in education, indicate that there are a higher number of children from BME backgrounds represented in Cardiff special schools.

This is reflected in the children and families who receive services from Ty Storrie, with a mix of children from a variety of ethnic groups, including welsh.

The service already caters for the individual needs of children regardless of ethnicity or cultural need, and has a healthy approach to celebrating diversity, in addition to ensuring that children's health care needs are fully met. This will continue after the transfer to the Council.

What action(s) can you take to address the differential impact?

Ensure that Ty Storrie staff become fully aware of training and development opportunities that exist within the Council to ensure that all cultural needs continue to be recognised and met within the delivery of a short breaks service.

Awareness raising in relation to Council equalities policies and procedures.

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3.7 Religion, Belief or Non-Belief

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

| | Yes | No | N/A |
|-----------|-----|----|-----|
| Buddhist | | | X |
| Christian | | | X |
| Hindu | | | X |
| Humanist | | | X |
| Jewish | | | X |
| Muslim | | | X |
| Sikh | | | X |
| Other | | | X |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

This activity will have neither a positive or negative impact on this group of people.

What action(s) can you take to address the differential impact?

N/A

3.8 Sex

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

| | Yes | No | N/A |
|-------|-----|----|-----|
| Men | | | X |
| Women | | | X |

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Research indicates that there is a higher prevalence of disability amongst males, particularly Autism. This is reflected in the current provision of Cardiff Short Breaks with 21 boys and 7 girls out (of a total 28 children) receiving services. However the decision to change providers will have neither a positive or negative impact on this group of people, since the respite service is only available to families, via an assessment of need conducted by a social worker.

It is this assessment process only that determines the need for a service, and not gender of the child. This process will not change. The balance of males to females may change over time, but would reflect need rather than constraints of the service.

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| |
|--|
| What action(s) can you take to address the differential impact? |
| N/A |

3.9 Sexual Orientation

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

| | Yes | No | N/A |
|-----------------------|-----|----|-----|
| Bisexual | | | X |
| Gay Men | | | X |
| Gay Women/Lesbians | | | X |
| Heterosexual/Straight | | | X |

| |
|--|
| Please give details/consequences of the differential impact, and provide supporting evidence, if any. |
| This activity will have neither a positive or negative impact on this group of people. |
| What action(s) can you take to address the differential impact? |
| N/A |

3.10 Welsh Language

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on Welsh Language?

| | Yes | No | N/A |
|----------------|-----|----|-----|
| Welsh Language | X | | |

| |
|---|
| Please give details/consequences of the differential impact, and provide supporting evidence, if any. |
| Cardiff Short Breaks is a service predominantly for children with learning disabilities, who are from a wide range of ethnic groups, including welsh. |
| Welsh culture is and will continue to be embedded within the opportunities to celebrate diversity within the delivery of the service, and information regarding the service is available both in Welsh and English in compliance with the Welsh Language Standards. |
| Given the complex range of additional needs of the children accessing the service, spoken or written language may not always be present in the delivery of services. |

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Children communicate using gestures and symbols, with some children unable to respond to either English or Welsh directions.

Communication is therefore, simplified and adapted to suit the individual child alongside the wishes of the family.

The Council is subject to the statutory Welsh Language Standards and the Welsh Government's framework for the delivery of Welsh Language Services in Social Care (More than Just Words) as are the Council's commissioned providers. This includes requirements to make an active offer, communicate with all members of the public (including parents and others) in their chosen language and ensure that reception services and public display materials are bilingual, among other standards. The service will have access to higher levels of specialist support in implementing these requirements as an in-house service compared to a commissioned provider. This includes support from the Council's Bilingual Cardiff team and Social Services Welsh Language coordinators.

What action(s) can you take to address the differential impact?

The impact will be positive.

There is and will continue to be an active Welsh offer within the service for staff. Staff will continue to be supported as Welsh learners, and have access to the Council's Welsh language courses

Continued awareness of Welsh Culture within the service within the approach of celebrating diversity.

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

Families have been engaged with at 2 major points.

2016/17 – Engagement with families pre-integrated service delivery

In readiness for integration, families in receipt of services, and those waiting for a service attended an engagement event at Ty Gwyn School.

Approximately 12 families attended all with children of varying need

The purpose of this engagement was to seek the views of existing families of children attending Ty Storrie on the integration of new children to the service, with complex medical conditions.

The outcome of this engagement was positive. Families felt confident to articulate their

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wishes for flexibility in accessing a short break, better options for accessing the service, and self-funding options for families who are in a position to purchase more support. Families were complementary of the service and the staff, although several families experienced frustration relating to poor communication.

2017-18 – Engagement session – general support services

This session was focussed on the general support available to families, particularly within the school holidays. Questions were not specifically related to Ty Storrie, but where mentioned, issues were noted.

Some parents felt that the Ty Storrie Building would be an ideal venue for additional activities when the building was closed to short breaks.

One parent not in receipt of services expressed undocumented concern about how services were delivered from Ty Storrie based on the experiences of a parent friend. One parent had recently raised a complaint due to cancelation of stays impacting on their families respite provision.

One parent noted the ongoing changes in staffing at the service which they had found hard as a family.

No formal engagement or consultation has taken place to support the proposal to end contractual arrangements with Action for Children and deliver Cardiff Short Breaks Services from Cardiff Council due to the sensitive nature of the decision.

It would be expected that once a decision has been formalised, engagement sessions with families and staff groups would take place to ensure the transfer of arrangements in a way that does not disrupt service delivery for these vulnerable children and families.

5. Summary of Actions [Listed in the Sections above]

| Groups | Actions |
|------------------------------|--|
| Age | Clarification of the ages of children that the service will deliver to within regulatory requirements. Currently 6 – 18th Birthday |
| Disability | Clarity of service specification to outline those groups which the service will cater for, and alternative service delivery options. |
| Gender Reassignment | None |
| Marriage & Civil Partnership | None |
| Pregnancy & Maternity | None |
| Race | Training and development to ensure cultural needs |

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| | |
|--|--|
| | assessment and celebration of diversity |
| Religion/Belief | None |
| Sex | Ongoing monitoring of service delivery |
| Sexual Orientation | None |
| Welsh Language | Support to welsh learning staff. Monitoring of the service to ensure compliance with the Welsh language standards. |
| Generic Over-Arching [applicable to all the above groups] | Further engagement with families and staff groups at point where decision is confirmed to ensure a smooth and successful transition of ownership. |

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

| | |
|--|------------------|
| Completed By : Eve Williams | Date: 04.06.2018 |
| Designation: Integrated Operational Change Manager | |
| Approved By: | |
| Designation: | |
| Service Area: | |

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate's Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 3059 or email citizenfocus@cardiff.gov.uk

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE

10 JULY 2018

WORK PROGRAMME 2018/19

Purpose of Report

1. The purpose of this report is to invite Members to start the process of constructing a work programme for the municipal year 2018/19.

Background

2. The Constitution states that each Scrutiny Committee will set its own work programme for the forthcoming year (Scrutiny Procedure Rule 7). With the establishment of a new administration the Committee is now tasked with constructing a work programme for the year ahead that ensures the time available to the Committee is used most effectively, by considering items in a timely fashion that maximise the impact of scrutiny.
3. This Committee's terms of reference give the Committee responsibility for scrutinising, measuring and actively promoting improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of Education and Children's Services, copy attached at **Appendix A**.
4. There will be nine Committee meetings between September 2018 and May 2019. The dates, times and locations were confirmed at Full Council on 21 June 2018 as:

11 September 2018 at 4.30pm in Committee room 4

9 October 2018 at 4.30pm in Committee room 4

13 November 2018 at 4.30pm in Committee room 4

11 December 2018 at 4.30pm in Committee room 4
15 January 2019 at 4.30pm in Committee room 4
19 February 2019 at 1.00pm in Committee room 3
12 March 2019 at 4.30pm in Committee room 4
9 April 2019 at 4.30pm in Committee room 4
14 May 2019 at 4.30pm in Committee room 4

Developing a work programme

5. The work programme is normally constructed at the beginning of the municipal year and updated during the year. Given the range of subjects covered by each Committee and the limited resources available to support the Committee, the work programme needs to be carefully constructed to ensure that the time available to the Committee is most effectively used.
6. There are many scrutiny approaches open to the Committee when constructing its work programme, including:
 - a. **Policy Review & Development** – where the Committee contributes to the development of policy by scrutinising and making recommendations on proposals.
 - b. **Pre decision** - Where the Committee has evaluated and commented on proposals before they go to the Cabinet, giving the Cabinet the opportunity to know Scrutiny Members' views prior to making their decision.
 - c. **Inquiries** – where the Committee examines a clearly defined topic using a planned approach over a set period of time, resulting in a clear set of key findings and recommendations.
 - d. **Performance Review** – where the Committee regularly analyses key performance data from the service areas within its' remit in order to: highlight good performance; identify poor performance; examine trends over time; benchmark against other authorities; and examine the impact that initiatives and changes in resources have on performance and service delivery.

- e. **Monitoring Reports** - Where the Committee undertakes monitoring of the Council's performance and progress in implementing actions previously agreed.
 - f. **Call In** – the Council's constitution allows for any Member to call-in a Cabinet decision prior to implementation. The Call-In period is set at seven working days after the publication of the decision on the Council's intranet site. For a decision to be valid for Call-In it has to comply with criteria and parameters set out in the constitution. A Scrutiny Committee may recommend that a decision be reconsidered.
7. These activities enable Scrutiny Committees to have a clear input into the development of the main policies and strategies that form the Council's policy framework, comment on operational and service delivery issues, identify potential improvements and savings, highlight good practice and reflect the voice and concerns of the public. This then ensures that its recommendations help to improve the quality of services offered to the people of Cardiff.
 8. Scrutiny Services have developed various tools to assist Committees with developing a work programme. These include:
 - a. A mechanism to consistently prioritise topics suggested for scrutiny (known as **PICK**):
 - Public Interest
 - Impact
 - Council Performance and
 - Keeping in context.
 - b. **Scoping reports** to define the terms of reference for each agreed scrutiny inquiry, proposed timescales, involvement of other agencies, major constraints and resource issues and the critical success factors that can be used to judge the success of the scrutiny exercise.
 9. In setting their work programme, Members are advised to be mindful of Wales Audit Office advice for scrutiny committees to aim to achieve committee meetings that last no longer than three hours, whilst maintaining robust and appropriate

levels of scrutiny across the terms of reference, by ensuring agendas are of a manageable size and that work occurs outside committee meetings. On average, this equates to agendas consisting of no more than two- three substantial items.

Possible Items for inclusion in the work programme

10. In the Committee's Annual Report 2017/18, the previous Committee recommended further scrutiny of a number of items. These items are listed in **Appendix B**. In addition, all Members have been provided with the opportunity to raise any issues that they consider could be scrutinised; the resultant suggestions are also listed in **Appendix B**.
11. The Chair has also met with the relevant Directors and Cabinet Members to gain an understanding of the key issue that they consider should be included in the work programme and will be able to report back on these discussions at this Committee meeting.

Way Forward

12. Members may wish to review the information attached at **Appendix B**. Members may also wish to suggest additional areas that they believe require further scrutiny. Following this, Members may:
 - a. Identify items for definite inclusion in the work programme; and
 - b. Identify items for further scoping as possible task and finish group inquiries.
13. Following the above, scrutiny officers will work to develop a calendar of items and to scope possible task and finish group inquiries, which will then be presented to Committee at the 11 September 2018 meeting for discussion, amendment and approval.

Legal Implications

14. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

15. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Consider the information contained in the report and attached appendices.
- ii. Discuss and agree the items for inclusion in the Committee's work programme for 2018/19 and the items requiring further scoping as possible inquiries, so that a work programme can be brought back to the Committee's September meeting for formal approval.

Davina Fiore

Director of Governance and Legal Services

4 July 2018

Children & Young People Scrutiny Committee specific Terms of Reference

To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of children and young people, including:

- School Improvement
- Schools Organisation
- School Support Services
- Education Welfare & Inclusion
- Early Years Development
- Special Educational Needs
- Governor Services
- Children's Social Services
- Children & Young People's Partnership
- Youth Services and Justice
- Play Services

To assess the impact of partnerships with, and resources and services provided by, external organisations including the Welsh Government, Welsh Government Sponsored Public Bodies, joint local government services and quasi-departmental non-government bodies on the effectiveness of Council service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance and service delivery in this area.

Within their terms of reference, Scrutiny Committees will:

General

- review and/or scrutinise decisions made or actions taken in connection
- with the discharge of any of the Authority's functions;

- make reports and/or recommendations to the Council and/or the Cabinet;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to 'call-in', for reconsideration, decisions made but not yet implemented by the Cabinet, Cabinet Members and designated senior officers.
- Receive and consider reports from statutory external inspectors or auditors referred to them.
- Act in accordance with the Scrutiny Procedure Rules.

Specific functions

Scrutiny Committees will:

- i. review and scrutinise the decisions made by and performance of the Cabinet and/or committees and employees both in relation to individual decisions and over time;
- ii. review and scrutinise the performance of the Authority in relation to its policy objectives, performance targets and/or service areas;
- iii. question members of the Cabinet and committees and/or employees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv. make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
- vi. question and gather evidence from any person (with their consent).

Suggested Items for 2018/19 Work Programme

CYP Annual Report 2017-18:

Corporate:

- ❖ Corporate Plan and Budget
- ❖ Budget proposals and monitoring
- ❖ Briefing on Cardiff's plan re the Wellbeing and Future Generation Act

Children's Services:

- ❖ Social Services and Wellbeing (Wales) Act 2014
- ❖ Briefing on negative impact of Adverse Childhood Experiences (ACEs)
- ❖ Children's Services Improvement Plan
- ❖ Integrated Family Support Team
- ❖ Children's Services performance

Education:

- ❖ The monitoring and reduction of young people who are not in education, employment or training
- ❖ Cardiff 2020 Strategy
- ❖ Consortium performance
- ❖ School performance

Member Suggestions

- Cllr Bale:
 - Youth Innovation Grant model review / lessons learned
 - Band C Schools Investment Programme - Early thoughts on priorities for next phase
 - Childrens Playgrounds in Cardiff - Condition, Maintenance & Future Investment Priorities
 - Schools Transport
- Cllr Bowden - The inequity between those leaving care in terms of age. For those in Foster Care it is 21; for those in residential care it is 18. There is a good opportunity to scrutinise the impact that this age difference makes to those leaving residential care in terms of education & employment outcomes;

health & mental health (including drug abuse & self-harm); costs to other Council services such as housing support & homelessness, by comparison with those leaving foster care at 21.

- Cllr Bradbury – Children’s Play Equipment in Parks– investigate potential funding sources, including s106 agreements.
- Cllr Molik - Children & Young People Scrutiny Committee and Community & Adult Services Scrutiny Committee to consider looking into service provision on basis of race, religion, disability, sexuality, carers, maternity/ paternity and age. It would be good to know that access to service within council is representative of population we serve.

Standard Items for CYP

- Directorate Delivery Plans – Education and Children’s Services.
- Annual statutory performance report re Cardiff Schools.
- South Central Consortium annual report.
- Corporate Safeguarding Annual Report.
- Families’ First Annual report and progress report.
- Adoption Service annual report.

Indicative Timings

- Quarterly Performance monitoring reports – September/ December/ March/ June
- Budget Monitoring reports – September/ November/ February
- Cardiff 2020 Strategy – September/ December/ March/June
- Corporate Safeguarding Annual Report 2017/18 – September 2018
- Families’ First Annual report and progress report - October 2018
- Adoption Service annual report - October 2018
- Annual statutory performance report re Cardiff Schools - January 2019
- South Central Consortium annual report - January 2019
- Corporate Plan and Budgetary Proposals – February 2019
- Directorate Delivery Plans – Education and Children’s Services - April 2019.