

CABINET MEETING: 12 OCTOBER 2017

**PROPOSAL TO IMPLEMENT A CARDIFF AND VALE OF
GLAMORGAN SOCIAL CARE REGIONAL WORKFORCE
DEVELOPMENT TRAINING UNIT**

**CHILDREN & FAMILIES (COUNCILLOR GRAHAM HINCHEY)
SOCIAL CARE, HEALTH & WELL-BEING (COUNCILLOR SUSAN
ELSMORE)**

AGENDA ITEM: 2

DIRECTOR OF SOCIAL SERVICES

Reason for this Report

1. To seek approval to establish a regional Social Care Workforce Development Training Unit as outlined in this report.
2. To seek authorisation to implement the business model, approach and functions outlined in the Business Case for the Regional Workforce Training Unit, attached at **Appendix 1** of this report.
3. To seek approval to establish and recruit to the post of the Regional Manager for the regional Workforce Development Training Unit.
4. To seek a delegation of authority to the Director of Social Services in consultation with the Cabinet Members for Children and Families and Social Care, Health & Well-being, the Cabinet Member for Corporate Services and Section 151 and Monitoring Officers for all aspects of the Governance and any associated arrangements which may be required in relation to these proposals.

Background

5. Cardiff and the Vale of Glamorgan Cabinets, received a report in January 2017, seeking authority for a full Business Case to be developed for a regional Workforce Development Training Unit (WDTU) based on a fully integrated model. The Cabinets also agreed for Cardiff to lead on the development of the Business Case.
6. The Cabinet is reminded that it is the statutory responsibility of the Director of Social Services to maintain overall responsibility for not only Social Services workforce planning, training and professional

development but that of the wider Social Care Sector (including third sector partners and independent and private providers).

7. The vision for the Regional Care and Support Workforce Development Partnership (RWP), established in 2015, under the leadership of the Director of Social Services for Cardiff, is to raise standards and drive up the quality and skill level through effective workforce development. This enables those with Care and Support needs to achieve what matters to them. Its key aim is to enable the growth and development of an appropriately skilled and effective social care workforce.
8. With the implementation of the Social Services and Well-being (Wales) Act 2014 well under way, the next few years will require a robust approach to training and development as we respond to its demands and the scale of transformation of services that it brings. It will be increasingly important to be able to update and replenish our existing skill base. It is felt that the regional social care workforce and the Local Authorities Social Services workforce is best served by one regional WDTU and work undertaken within the context of the RWP, provides a firm foundation on which to build a regional WDTU.

Areas for Consideration

9. This proposal does not include changes to the way that corporate training is delivered in both Local Authorities. However, the proposal recognises the need for continued synergy between social care training and corporate training arrangements. It is committed to ensuring that joint working with the corporate training arms of both Local Authorities continues to be a feature of the delivery of social care training across the region where ever it is practicable and appropriate to do so. As such, there is a commitment to strengthen and build upon established areas of joint working with corporate training teams, such as:
 - development of e-learning packages
 - delivery of manual-handling training
 - shared use of Learning Pool resource to advertise and booking training
 - sharing of training facilities

Benefits of a Fully Integrated Approach

10. An Options Appraisal located at *Appendix A* of the January 2017 Cabinet Report identified the following as the preferred option:
 - **Option 4** - *The appointment of a Regional Training Manager hosted by one of the Local Authorities and the TUPE transfer of staff to the Host Local Authority so that all staff are employed by the same employer. Then restructure to create one team that covers the whole of the region.*
11. Sections 4.2 and 4.3 of the Business Case attached at **Appendix 1** summarises the six options that were considered and highlights the

reason that Option 4 was identified as the preferred model. The advantages of Option 4 are detailed in the bullet points below:

- It provides the best opportunity to consistently meet needs in a fair and equitable way, standardising practice across the region whilst also being able to respond to difference when the need arises.
- It offers a consistent approach to the sector irrespective of whether providers operate in Cardiff, Vale of Glamorgan or both Local authority areas. It is therefore best placed to promote the intentions of the RWP.
- the model provides the opportunity for staff to work at scale, using their current specialisms as well as providing opportunities to develop new specialisms in response to future needs / demands. It therefore makes best use of capacity and maximises resources.
- It provides an opportunity to stream-line the available funding across the region, administering it from one pot which will reduce duplication of efforts – particularly as the funding applications have to be submitted on a regional basis. This will enable the team to address current gaps by releasing capacity arising from the streamlining of processes that are currently administered separately in each Local Authority area.

Hosting Arrangements

12. It is proposed that Cardiff Council host the regional WDTU. Both Directors of Social Services in Cardiff and the Vale of Glamorgan are supportive of this proposal for the following reasons:

- Cardiff has demonstrated a willingness to lead, evidenced by the work undertaken thus far to develop these proposals and to lead on the development of the RWD Partnership.
- Cardiff has capacity to lead and undertake the extensive work required to implement the new arrangements.
- The comparative size of the existing teams and the scale of the areas they currently cover, demonstrates Cardiff's experience of working at significant scale.
- Cardiff has a good track-record of delivering high quality staff training and development opportunities, with strong relationships with key partners / stakeholders.
- The Director of Social Services for Cardiff is the Regional Lead Director for Workforce Development and chair of the RWP Board, so already has a well-established role to play in workforce development across the region.

Risks and How They Are Mitigated

13. Whilst the proposal has identified some risks related to the two Training Units coming together, these are mitigated to a level that is felt would not provide a significant threat to the success of this proposal. The risks are set out in detail in sections 4.6 and 4.7 of the Business Case but are summarised below:

- **There is a risk of Staff being displaced and there being a loss of expertise:** Both teams are currently holding a number of vacant posts. The streamlining of roles to reduce duplication may result in a very small number of posts being deleted and funding utilised to create new roles. However, it is expected that there will be no material loss in posts within the new arrangements and any staff members who are displaced are likely to have an opportunity to apply for vacant /new posts within the new regional WDTU or be slotted and matched where appropriate, if they wish to remain part of the new arrangements. We will also make sure that staff have sufficient notice of any changes to ensure that they have an appropriate lead in period to make any personal adjustments arising from the expected impact of the change.
- **There is a Risk that the wider Social Care Workforce in the Local authority areas may feel disconnected from a regional WDTU:** Robust communication with the social care sector regarding the development of a regional WDTU has been in place since the initiation of this piece of work. Therefore the sector has been part of the journey and is broadly supportive of the developments. The implementation of a RWP website accompanied by its own RWP branding has already provided the region with a fresh new identify for workforce development that has been positively received by all. New arrangements for a regional WDTU will strengthen this regional workforce identity whilst continuing to cater for local needs where it is appropriate to do so.
- **The social care workforce in the Vale of Glamorgan may feel it is more difficult to access training if Cardiff hosts the service:** Whilst it would be desirable to locate a regional WDTU in a single venue that is easily accessible for both the Cardiff and the Vale of Glamorgan workforce, it is not expected that such a venue will be easy to come by and it is unlikely that one will be in place to coincide with the implementation of a regional WDTU if this proposal is agreed. Therefore the proposal is based on the expectation that in its initial implementation phase at least, the current site is maintained in each Local Authority area, and that for the foreseeable future, team members operate on a regional basis from both sites according to need. This will provide some continuity / stability to staff as they move from one set of delivery arrangements to the new operational model for the regional

WDTU. It will also provide consistency and familiarity with the wider workforce and minimise disruption caused from training being delivered in a different Local Authority area.

- **The regional WDTU may not be able to meet the priorities of each Local Authority area in an equitable way:** Whilst there will be a need to ensure that the workforce priorities of both Local Authorities are met by the regional WDTU, the two training teams are used to having to balance competing priorities across Adults and Children's Services. Therefore, the need to address difference in a balanced and proportionate way is nothing new to the teams. Whilst this is likely to be demanding, the establishment of joint priorities already set out in the RWP's Strategic Plan will mitigate some of the challenge as many of the priorities that the regional WDTU will be required to deliver on are shared ones.
14. Both staff groups already undertake significant amounts of joint work and both are supportive of the proposals and understand the main drivers underpinning them. Staff teams have joined together for a number of development sessions which have contributed to shaping the proposals contained in the Business Case with each team being given equal weight in respect of the contribution they have made. It is expected that these joint working arrangements for engagement and consultation will set the scene for the delivery of a regional WDTU where both partners are treated equally and fairly and the needs and interests of both parties are balanced and appropriately recognised and met in the future.
15. A **Partnership Agreement** that clearly sets out the governance arrangements for the regional WDTU will ensure that the interests of both Local Authorities are appropriately protected. Please see paragraphs 25-26 for further details.

Operational Structure and Proposed Functions

16. It is proposed that the regional WDTU is headed up by a new Regional (Strategic) Manager with overall responsibility for Implementation of a Regional Workforce Development Programme, promoting joint working with Social Care Wales, across workforce development, service improvement and research, confirming approaches and building upon the many strengths that already exist in current arrangements. Social care Wales is the national workforce regulator and government improvement agency for Social services and Social Care in Wales. The post has been evaluated by Hay as an Operational Manager (OM) 2 grade. This senior manager will play a lead role in realising the expectations for the regional workforce set by the regulator, Social Care Wales.
17. Additionally the new post holder will be responsible for implementing and managing the regional WDTU to ensure effective planning and delivery of a training and development for Social Services employees as well as delivering an effective RWP that appropriately meets the current and future needs of the wider Social Care workforce. The manager will be required to provide a strategic lead on the development and

implementation of training policies, strategies, plans, processes, procedures and activities that are appropriate to, and meet current and future needs for social care workforce planning and development across the region. It is proposed that this post is established through the deletion of the existing Training Manager posts in both Cardiff & the Vale of Glamorgan. The draft Job Description and Person Specification for the post is located at Appendix D of the **Business Case** located at **Appendix 1** of this report.

18. The proposed service delivery model for the regional WDTU is based upon an understanding of current and future needs across the region. It reflects feedback from Training Unit staff and managers in Cardiff and the Vale of Glamorgan Councils and key stakeholders whose interests are represented on the RWP Board.
19. It is proposed that the new regional WDTU is structured around 4 core business functions:
 - Business Planning & Partnerships
 - Delivery & Commissioning of Training
 - Practice Learning Opportunities for Students
 - Qualification & Credit Framework (QCF) Assessment

A summary of the key components of these core functions is described in the overarching operational structure chart located at Appendix E of the **Business Case** located at **Appendix 1** of this report.

20. It is proposed that all existing staff will transfer to Cardiff as the Host on their existing terms and conditions. Human Resources will work with the service to manage the TUPE implications of the proposal.
21. However it is acknowledged that in order for the regional WDTU to operate successfully following its inception, changes will need to be made in relation to the way core functions are delivered, structure and staffing. In particular, it is acknowledge that initially the regional WDTU will be operating from two locations and a new staffing structure will be necessary in order to provide a unified, cohesive and efficient regional service. Therefore it is anticipated that once in post, the new Regional Manager will lead a restructure of current arrangements.
22. Gaps in current provision that will need to be addressed in the new arrangements are as follows:
 - Development of e-learning opportunities
 - Lack of data collection and analysis for workforce planning
 - A need to strengthen communication with the sector including updating and maintenance of the RWP web-site
 - Lack of capacity to strengthen engagement with the wider social care sector
23. Specific job roles may change in the new structure. However, where job roles change, but staff are matched to roles, existing terms and

conditions will be maintained. Where roles are substantially different, staff who apply for and are successful will be engaged on the Host's Terms and Conditions of employment. Any person appointed to a vacant position of the agreed new establishment post transfer will be employed by the Host and be appointed on the Host's terms and conditions of employment.

24. It is acknowledged that in addition to the creation of a Regional Manager post, arrangements for the direct line-management and supervision of posts that sit within each of the 4 core functions will need to be strengthened in order to enable the Regional Manager to have sufficient capacity to achieve an appropriate balance between strategic development work and operational duties.
25. There is expected to be no net loss of posts arising from the restructure and surplus funding arising from the deleting of posts that are no longer required in the new arrangements (because they duplicate roles) will be reinvested to support the creation of new roles to address identified gaps to meet future need.

IT Systems

26. There are separate booking systems for Social Services staff and external providers in the Vale of Glamorgan (SDM) and Cardiff (DigiGov for internal staff and Learning Pool for external providers). Although Vale of Glamorgan Social Services staff use Learning Pool for e-learning training. It would be desirable for the regional WDTU to share IT systems so that there is one clear pathway for all Social Services staff in Cardiff and the Vale of Glamorgan and the wider social care workforce across the region to book training courses and maintain individual training records.
27. To support a smooth transition from current arrangements to a regional WDTU, with minimal amount of disruption to Social Services staff, it is proposed that the current arrangements for booking training are maintained and continue to operate alongside each other until work can be completed to identify a suitable solution to offering a fully integrated IT system across the region.
28. Currently, the training booking systems across the two Local Authorities work well alongside each other and the booking of training courses is easily accessible for Social Services staff and external social care providers. Therefore, a phased approach to this piece of work is not felt to be a barrier to delivering an integrated service across the region

Partnership Agreement

29. In order to fully implement the proposals for the regional WDTU it is necessary for the Local Authorities to conclude a formal agreement, referred to as a 'Partnership Agreement'. This agreement, which will be drafted by Legal Services under the instruction of the Directorate, will amongst other things include the following details:

- The extent of the matters to be delegated, and any delegations to officers in the shared service;
 - The terms of reference and membership of the Management and Governance Boards;
 - The termination and exit provisions;
 - The structure of the regional WDTU, staffing proposals and pensions;
 - As to the apportionment of costs, and what indemnities the Host Authority would seek from the other authorities in respect of carrying out its role;
 - The financial management arrangements;
 - Provision to address matters such as disputes, variations, data protection and freedom of information
30. On completion of the Partnership Agreement, the Director of Social Services will be asked to authorise the approval and conclusion of the Partnership Agreement, following consultation with the Portfolio Members, and then if all are content, make the decision, detailed and recorded in an Officer Decision Report.

Financial Arrangements and Governance

31. The budget for the regional WDTU is based on the current Social Care Wales Grant level and is within the current budget for workforce training and development across both Local Authority areas. It covers all of the functions that are in scope for the regional WDTU. **As such, it is expected that the establishment of the regional WDTU will be cost neutral to the Cardiff Council and the Vale of Glamorgan Council.** Current Financial Arrangements are set out in Section 6 of the **Business Case** located at **Appendix 1** of this report. The match funding arrangement means that it will not be feasible for the City of Cardiff Council to make savings in respect of this proposal. This is because to do so would prevent the Local Authority for claiming the 70% grant funding as it would take the Local Authority contribution below the required 30%. The same would apply to the Vale of Glamorgan Council.
32. To summarise, Cardiff Council receives an annual Grant from Social Care Wales to support its Social Care Workforce Development Programme (SCWDP). The value of the grant is **£756,670**, which has remained the same as 2016-17. The Council also provides 30%, match funding of **£324,287**. The value of the Grant for the Vale of Glamorgan is **£273,161** and the Council also provides 30%, match funding of **£117,069**. Additionally, Cardiff Council will receive a Facilitation Grant from Social Care Wales of **£57,034** to fund regional capacity and facilitate engagement, communication and joint working across the whole social care sector. The total regional SCWDP expenditure is **£1,528,221**, which comprises of **£1080, 957** for Cardiff and **£390,230** for the Vale of Glamorgan plus the regional Facilitation Grant.
33. At the time of writing this report, Social Care Wales is consulting on the future arrangements for the SCWDP Grant. It is proposed that it be

rebranded to be the *Social Care Wales Regional Workforce Development (SCWRWD) Grant* as it is felt that this more clearly describes that it is not one national development programme, but a grant to support social care workforce development in each region. It is intended that the Grant should support the full span of the workforce, in any type of setting or service, recognising that each regional will have its own priorities that focus on particular sub sets of the workforce annually. Social Care Wales is proposing that in the future the Grant should retain a 70% / 30% matched funding approach from the region. It is also acknowledged that there is a need to plan on more than a one year timeframe and as far as possible, the intention will be for Social Care Wales to maintain the Grant at the same level from year to year, although this is clearly dependent on the level of resource it receives from Welsh Government.

34. From April 2018, it is expected that the full SCWRWD Grant and the Facilitation Grant for the region will be payable to Cardiff Council as the Host authority. Arrangements will be made to recover the Vale of Glamorgan's match-funding contribution.
35. It is important to note that whilst the provision of a regional WDTU is expected to provide a more efficient use of available resources, the proposal is not driven by cost reduction. The key driver for the Business Case is the creation of an operational model that is most conducive to delivering high quality social care training that meets the changing needs of Social Services and the wider social care sector. As mentioned in paragraph 25, It is therefore proposed that funding released from the realignment of vacant posts will be reinvested to strengthen existing functions that are capacity light or develop new arrangements where gaps have been identified.
36. The Partnership Agreement referred to in paragraph 25 of this report, will set out, amongst other things, the apportionment of costs between partners and what indemnities the Host Authority would seek from the other partner in respect of carrying out its role and the financial management for the arrangements.
37. The Partnership Agreement will also confirm that the Host's Section 151 Officer shall ensure there are mechanisms in place to enable budgets to be managed in line with the available resources and any variations to the budget are identified as early as possible.
38. "One off" implementation costs, associated with the establishment of the regional WDTU, will be met from the SCWDP Grant funding for 2017-18.

Information Governance

39. In order to facilitate the Partnership an Information Governance Memorandum of Understanding will be annexed to the Partnership Agreement. The Memorandum of Understanding will set out the roles and responsibilities of the participants in respect of Data Controllorship, Data Processing and the process for enacting the rights of individuals

under the current Data Protection Act and the forthcoming General Data Protection Regulation.

40. For the initial operation of the Partnership both Cardiff and the Vale of Glamorgan Councils will retain their existing information technology systems. Prior to the implementation of any new system, or changing the way that personal information is processed a Privacy Impact Assessment and a review of the Information Governance arrangements will need to take place by Cardiff Council.

Regional Workforce Partnership Governance

41. The regional WDTU will develop the annual plan that sets out the strategic priorities for the RWP and will lead on workforce planning arrangements for Social Services and across the region's social care sector. As such, the regional WDTU it will take it's governance from the RWP Board whilst operating within line management structure of the Central Business Unit in Cardiff Social Services under the leadership of the Operational Manager, Strategy, Performance and Resources. Performance Reports will be taken to the RWP Board at agreed intervals on progress against the RWP's annual plan and workforce planning data and analysis will be presented to inform the future strategic direction of the RWP. A diagram that details the governance arrangements for the RWP is set out in Appendix D of the **Business Case** located in **Appendix 1** of this report.

Performance Framework

42. An overview of the evaluation and performance management framework that will underpin the work of the regional WDTU is set out in section 7.4. of the **Business Case** located in **Appendix 1** of this report. It outlines a *Plan, Measure, Evaluate & Report Cycle* which is summarised below:
 - **Plan:** ensures national priorities are reflected in regional arrangements with provision for the local priorities of both LAs to be met if these are different from the regional priorities.
 - **Measure:** Measurement of the effectiveness will be underpinned by an outcome-focused quality assurance and improvement framework that comprises of key performance indicators, robust data collection and analysis and effective customer satisfaction arrangements.
 - **Evaluate & Report:** Evaluation and reporting arrangements will consider emerging best practice, effectiveness and impact, customer feedback and progress against and in addition to the annual plan. Outcomes will be reported on a quarterly basis through the governance structure.

Staff Consultation

43. Social Services Training Unit staff have been engaged with the development of this proposal from the outset. Engagement has taken the form of discussions in team meetings, joint workshops with colleagues from Cardiff and the Vale of Glamorgan Social Care Training Team and

through the regular distribution of staff newsletters, keeping them updated on progress.

44. A regular dialogue with members of the RWP Board and Operation Groups has taken place at meetings and briefings have been undertaken with members of the two Social Services Management Teams.
45. A Survey Monkey Questionnaire went out to all Social Services staff and Manager and commissioned providers across the wider Social care Workforce in July 2017 seeking their feedback on the proposal. The feedback is summarised in section 4.8 of the **Business Case** located in **Appendix 1** of this report. Feedback on the proposal has on the whole been positive and supportive of the proposal.

Consultation with Trade Unions

46. A confidential briefing for Cardiff Trade Union representatives was held on 11th September 2017. It was attended by representatives from Unison and GMB. A confidential draft of the cabinet report and the Business case was shared with those in attendance.
47. However, concern was raised that the Regional Manager post has been evaluated by Hay as an OM2 grade. GMB representatives queried the need this level of post.
48. Nevertheless, Trade Unions were reassured that there would be no job losses as a result of this proposal and that substantially the intention was to utilise vacant posts to create new roles where it was necessary to do so rather than displacing existing staff.

Implementation Plan

49. If the Cabinet agrees the recommendations of this report the next steps are set out in the Implementation Plan located at Appendix F of the **Business Case** located at **Appendix 1** of this report. It is expected that a regional WDTU will be operational from April 2018 with a new structure in operation in quarter 3 of 2018-19.
50. The management of the existing service will continue under the current interim management arrangements until the regional WDTU is implemented which is expected to be early in the new financial year.

Reason for Recommendations

51. The scale and complexity of the social care workforce agenda across the RWP in the context of a highly diverse population distributed across an area that is both distinctly rural and intensely urban, is very challenging, particularly when many Board members carry their workforce roles in addition to other significant responsibilities.
52. All good partnerships rely on an effective 'engine' to drive the partnership's priorities and ensure that vision is translated into action and

impact. The Directors of Social Services in both Councils have therefore committed in principle to the establishment of a sustainable regional WDTU. It is expected that this will rationalise existing resources to meet future levels of anticipated need for sector wide training and development consistent with the Social Services and Wellbeing Act (Wales) 2014 implementation.

Financial Implications

53. The report seeks approval for the establishment of a regional social care workforce development unit (WDTU) to include the establishment of a new regional manager post. Currently, social care workforce development is provided separately by Cardiff and Vale Councils and is funded, in each authority, through a combination of Social Care Workforce Development Programme (SCWDP) grant (70%) and Council matched funding (30%). Cardiff currently receives SCWDP grant of £756,670 in relation to social care training and provides 30% match funding of £324,287 from base budgets. The equivalent figures for the Vale of Glamorgan are £273,161 grant and £117,069 match funding. In addition, Cardiff Council receives a Facilitation Grant from Social Care Wales of £57,034. Current social care workforce development budgets across the region therefore total £1,528,221. Under the proposals, Cardiff Council would perform the role of host and would therefore assume responsibility for the overall expenditure total. As indicated in the report, it is anticipated that all of the functions that are in scope for the proposed regional training unit can be accommodated within the current combined budget for the two local authority areas. As such, it is expected that the establishment of the regional WDTU will be cost neutral to Cardiff and Vale Councils. The match funding arrangement that applies to the SCWDP grant limits the scope for any savings in relation to this proposal. Under these arrangements, Councils have to make a mandatory 30% match funding contribution in order to secure their full grant allocation. If the Council's expenditure falls below the mandatory level, the amount of grant funding will be reduced accordingly. It is proposed that the new regional manager post will be funded via the deletion of existing training manager posts in the two authorities and can thus be accommodated within existing resources.
54. In order to fully implement the proposals for the regional WDTU, it will be necessary to establish a formal partnership agreement. This will need to include a protocol addressing various financial matters including, hosting and financial administration, relative contributions and charging mechanisms, payment arrangements, budget control and monitoring, governance, audit and accounting. The financial elements should be formulated in consultation with Financial Services. Whereas it is anticipated that Cardiff, as host, will receive the whole of the combined SCWDP grant directly, arrangements will need to be put in place for the recovery of the Vale of Glamorgan's element of match funding. This will need to be addressed in the partnership agreement. Any 'one off' costs associated with the implementation of the proposal, including any costs arising due to TUPE implications, must be met from within SCWDP funding for 2017/18. The report notes that Social Care Wales is

considering future arrangements for the SCWDP grant. The impact of possible changes to future grant funding levels will need to be considered in the partnership agreement.

Legal Implications

55. The proposed recommendation is, put simply, to authorise the establishment of a regional Social Care Workforce Development Training Unit with Cardiff Council to act as the Host authority on behalf of itself and the Vale of Glamorgan Council.
56. It is noted from the body of the report that under the proposed approach as Host Authority Cardiff Council shall appoint a Regional Training Manager, staff from the Vale of Glamorgan shall transfer to Cardiff Council so that all staff are employed by the Host Authority in relation to these services, and that a staff restructure shall be carried out in order to create a regional team to deliver the workforce training across the region. It is proposed that the cost to each Council shall be on a “cost neutral” basis. Further, that the regional workforce training unit is to be partly funded via a grant from Social Care Wales.
57. Legal Services are instructed that given the nature and scale of the proposed joint training arrangements it is proposed that there will be no direct Member involvement from Cardiff Council and/or the Vale of Glamorgan Council in the proposed governance arrangements and that it is not proposed to create a formal joint committee.
58. There are a number of legal powers available to the Councils to facilitate the proposed collaborative approach to setting up and establishing the regional Social Care Workforce Development Training Unit, including Section 9 of the Local Government (Wales) measure 2009. This section, put simply, permits the Council to collaborate with another authority in order to discharge its improvement duties and/or those of the other local authority, including the power to enter into arrangements or agreements with any person. Further, Part 9 of the Social Services and Well-being (Wales) Act 2014 requires local authorities to make arrangements to promote co-operation with their relevant partners and others in relation to adults with needs for care and support, carers and children. It places a duty on relevant partners to co-operate with, and provide information to, the local authorities for the purpose of their social services functions.
59. If the proposed recommendation is approved, it will be necessary for Cardiff Council and the Vale of Glamorgan Council to conclude a formal agreement (referred to in the report as a “Partnership Agreement”) as detailed under paragraph 29 of the report. Legal Services will work with the Directorate in order to produce an appropriate draft agreement.
60. It is noted that the arrangements are to be partly funded via a third party grant and accordingly the Directorate should satisfy itself with regards to any grant conditions which may attach to the grant funding.

61. 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.
62. The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix B of the Business Case. 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.
63. 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

64. There has been initial consultations on the information within this report with both the Trade unions and the employees affected both within Cardiff Council and the Vale of Glamorgan Council. This will continue once the decision has been made.
65. The recruitment to the role of Regional Training Manager will be in line with Cardiff Council's corporate policies on recruitment and will be made available for both employees of Cardiff Council and Vale of Glamorgan Council to apply.
66. Should it be agreed that Cardiff will host the new unit, then employees from the Vale of Glamorgan Training unit will transfer to Cardiff Council under the regulations set out in the Transfer of Undertakings (Protection of Employment) Regulations 2006. This will be a relatively straightforward process as both are local authorities, who share the same pension scheme administration.
67. Any restructure that is required following the bringing together of the training units will be consulted on with the trade unions and employees, and managed under the corporately agreed processes for restructures within Cardiff Council. As both training units have been managing vacancies in preparation for the merger, any employees put at risk during this process should be minimal, however it is likely that any at risk

employees will have continued employment opportunities, as it is expected that new roles will need to be developed as part of the restructure process. Specifics regarding terms and conditions for individuals as part of the restructure process are set out in paragraph 23 of the report.

RECOMMENDATIONS

Cabinet is recommended to:

1. Approve the business model, approach and functions outlined in the Business Case for the regional Social Care Workforce Training Unit attached at **Appendix 1** of this report, including
 - (i) the establishment of a regional Social Care Workforce Training Unit as outlined in this report; and
 - (ii) the creation of and recruitment to the post of the Regional Manager for the Regional Workforce Training Unit.
2. delegate authority to the Director of Social Services in consultation with the Cabinet Members for Children & Families and Health, Social Care & Well-being, and Finance, Modernisation & Performance and the Section 151 and Monitoring Officers to deal with all aspects of the Governance and any ancillary arrangements/documentation which may be required in relation to these proposals, including (without limitation) the approval of the draft partnership agreement and that the same may be entered into between Cardiff Council and the Vale of Glamorgan Council .

TONY YOUNG

Director of Social Services

6 October 2017

The following appendix is attached:

Appendix 1 – Business Case