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## CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

**Committee** COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

**Date and Time of Meeting** WEDNESDAY, 10 OCTOBER 2018, 4.30 PM

Please find below correspondence send by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact [scrutinyviewpoints@cardiff.gov.uk](mailto:scrutinyviewpoints@cardiff.gov.uk)

10 **Correspondence Following the Committee Meeting** (Pages 3 - 18)

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My Ref: Scrutiny/Correspondence/Cllr McGarry

15 October 2018

Councillor Susan Elsmore  
Cabinet Member Social Care, Health & Wellbeing  
County Hall  
Cardiff  
CF10 4UW



Dear Susan,

**COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 10 OCTOBER 2018  
– REGULATION & INSPECTION OF SOCIAL CARE (WALES) ACT 2016  
BRIEFING; CLOSER TO HOME STRATEGY**

As Chair of the Community & Adult Services Scrutiny Committee, I wish to thank you and Claire for attending Committee and providing Members with a briefing on the Regulation & Inspection of Social Care (Wales) Act 2016. In addition, at the meeting, Members discussed and agreed a new Item to be added to the Work Programme. Details of this are set out below. Members of the Committee have requested that I feed back the following comments and observations to you.

**Regulation and Inspection of Social Care (Wales) Act 2016**

Members appreciated the informative presentation on the Act and what this means for Cardiff Council and its partners.

Members recognised the challenges faced by the Council and its partners to get domiciliary carers suitably trained and registered within the timescales set by the Act, but were concerned that, currently, only 30% of the workforce hold the qualifications required to register.

Members were reassured to hear the commitment from yourself and Claire in continuing to engage and communicate with the current domiciliary care providers to ensure that the market in Cardiff remains buoyant and minimise the number of current providers “dropping out” of the market. Members were also pleased to hear about the lead Cardiff is taking in relation to the Regional Workforce Board and the work it is doing across the board in relation to recruitment and retention of staff.

At the meeting, Members asked for details of the cost and time for an individual to gain suitable training and register as part of the Act. Claire stated that it was approximately £35.00 to register but stated she could supply a more detailed breakdown of costs and timescales of training an individual to the required standard. Members request that this information be provided to them as soon as possible.

Overall, Members concluded that they would wish to monitor the Council's progress in meeting the requirements of the Act, as they agreed with yourself and Claire about the critical role this Act plays in terms of ensuring that people receive the best care and support. Members agreed with the desire for the Council and partners to provide a professional service with well-qualified staff who feel they can provide an effective service, which, in turn, ensures that they stay within the Sector.

To this end, Members agreed that they would wish to receive **quarterly updates** on progress in relation to the implementation of the requirements of the Act. Members request that the next update be brought to Committee at its meeting on the 9<sup>th</sup> January 2019. This should include:

- Numbers/percentage of staff who are suitably qualified as at 31 December 2018 (and for every quarter going forward)
- Percentage of these who have registered
- An indication of numbers/percentage that have left (or planning to leave) the workforce (including those retiring)
- Update from the Regional Workforce Board on progress in supporting providers in meeting the requirements of the Act
- Any updates from Social Care Wales/Care Inspectorate Wales/Welsh Government, which may clarify some of the issues that are uncertain at the current time
- Update on what is planned for the next phase of implementation, including the workforce register for adult care home workers (from April 2020).

The updates will be added to the Committee's work programme and shared with you, as appropriate.

## **Closer to Home Strategy**

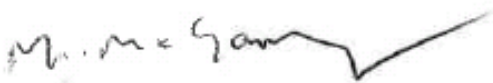
At the Committee meeting, Members discussed issues in relation to the Closer to Home Strategy. Members agreed that they would like to undertake a piece of work in relation to the Strategy and that I, along with Councillor Lent, scope out a way forward. We are aiming to meet some time in the next week to do this. Initial discussions included potentially looking at the following:

- Overview of the Strategy
- How the Strategy is working/operating
- How the Strategy is implemented
- How individuals are assessed, monitored and reviewed
- What changes (if any) to the Strategy have been made in the light of budget cuts, changes in practice etc.
- The range of placements being made, including Out of County

Once we have scoped out this piece of work, I will update you with details. The issue will be added to the Committee's Work Programme as appropriate.

Thank you again to you and officers for attending. I require a response on the issue raised in Paragraph 5 above. We look forward to continuing to work with you in relation to this issue and receiving updates from January 2019 onwards.

Yours sincerely,



**COUNTY COUNCILLOR MARY M<sup>C</sup>GARRY**

**Chairperson - Community & Adult Services Scrutiny Committee**

Cc: Claire Marchant, Director of Social Services  
Elizabeth Begg, Operational Manager Training & Development, Social Services  
Angela Bourge, OM, Strategy Performance and Resources, Social Services

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My Ref: Scrutiny/Correspondence/Cllr McGarry

15 October 2018

Geraint Rees  
Equality & Human Rights Commission

Ceri Meloy  
Tai Pawb

(via email)



Dear Geraint and Ceri,

**COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 10 OCTOBER 2018  
– EQUALITY AND HUMAN RIGHTS TOOLKIT FOR COUNCILLORS ON  
ACCESSIBLE HOUSING**

As Chair of the Community & Adult Services Scrutiny Committee, I wish to thank you both for attending Committee and providing Members with a briefing on the Equality and Human Rights Toolkit for Councillors on Accessible Housing. Members look forward to receiving the Toolkit in due course.

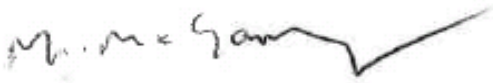
On discussing the Toolkit during the “Way Forward” Item on the Agenda, Members stated that they wished to have the opportunity to consider the Toolkit further before deciding on how they could use it for the consideration of housing related items at Committee. In addition, Members also raised the following:

- Members questioned the objectivity of data used in relation to the statistic that 26% of people (via self-assessment) considered themselves disabled. Members would like your views on whether self-assessment was the most robust way to present accessible housing need and whether there are other data sources that could be used along with the self-assessment data to strengthen this figure.
- Members have requested that more detail be provided to them in relation to the engagement and consultation that took place in developing the Toolkit – Members heard that a number of representatives from local authorities had been involved, and that a Focus Group had taken place; as well as observing Committee meetings etc. Members would be interested in receiving further details of what engagement had taken place – how many people involved, and the breadth of engagement.

Members expressed a desire to use the Toolkit, but seek reassurance that it was based on robust data, consultation and engagement, so would be very grateful if you are able to respond to the bullet points above at the earliest opportunity, so they have the opportunity to consider this in line with the wider deliberation of the Toolkit.

Thank you again for giving Members the opportunity. We will consider the issue further at the earliest opportunity, and feedback our conclusions to you then.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mary McGarry', with a long, sweeping underline.

**COUNTY COUNCILLOR MARY M<sup>C</sup>GARRY**

**Chairperson - Community & Adult Services Scrutiny Committee**

- cc. Councillor Lynda Thorne, Cabinet Member Housing & Communities  
Sarah McGill, Corporate Director  
Jane Thomas, Assistant Director, Housing & Communities  
Ellen Curtis, Operational Manager, Landlord Services



My Ref: Scrutiny/Correspondence/Cllr McGarry

15 October 2018

Councillor Lynda Thorne  
Cabinet Member Housing & Communities  
County Hall  
Cardiff  
CF10 4UW



Dear Lynda,

**COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 10 OCTOBER 2018  
– BUILDING MANAGEMENT FRAMEWORK – VOIDS MANAGEMENT ISSUES**

As Chair of the Community & Adult Services Scrutiny Committee, I wish to thank you and officers for attending Committee and providing Members with an update on issues relating to Voids Management issues. Members of the Committee have requested that I feed back the following comments and observations to you.

Members appreciated you bringing the challenges you are facing in relation to Voids to the Committee's attention and into the Committee process for consideration/action.

Overall, Members concluded that, in the light of ongoing problems and challenges across the service (that have been a long-term concern by the Committee), they would support the development of an in-house model, possibly based around arrangements in Swansea. Members felt that, not only would this manage a number of risks that the use of contractors created, but also would provide opportunities for jobs and apprenticeships.

Members agreed that they would wish to undertake a visit to Swansea to look at the arrangements, and would therefore appreciate officers supplying my Scrutiny Officer, Alison Jones, with contact details so that she can put arrangements in place for the visit.

In relation to current and future contract arrangements, Members were concerned that the procurement process and resulting contracts were not robust enough. Issues raised included:

- The volume of work that is now backlogged and resulting costs to the Council – Members requested, at the meeting, a breakdown of cost in rent loss etc and that this should be supplied urgently.
- Concerns that the outgoing contractor Ian Williams not honouring work was not foreseen and dealt with earlier which resulted in a large backlog of work for the incoming contractors to deal with.
- That the procurement process had not been rigorous enough in screening potential contractor’s submissions, to test their financial viability to carry out the works, especially with regards to voids, which appears to be a particular problem and continual risk.
- That contract terms needed to be tighter and more enforceable to ensure that contractors could not pull out of contracts at short notice. They concluded that there needed to be some kind of penalty in doing so to minimise costs to the council in terms of rent loss and costs relating to putting other arrangements in place.
- That the Council be very clear about the levels of work that contractors will be responsible for, so that they are very clear about the level of work expected of them; and that they can plan, at an earlier stage for “gearing up” once the contract has been awarded.
- That contracts are only considered and awarded once they can prove that they ARE geared up to undertake work – that, where possible, employees and supply chains are already in place.
- That penalties are implemented at the earliest opportunity, as per the contractual arrangements - whilst it was appreciated that a period of “gearing up” to take on the work was allowed for, Members felt it imperative to start enforcing this.

Whilst Members appreciated the unpredictability of numbers of voids coming back into the Council, Members have requested that officers provide a **monthly** breakdown of the number of voids over the past twelve months, so they can have an idea of the numbers that the service is dealing with in a given period.

Finally, Members agreed that they would wish to receive **quarterly updates** on progress in relation to performance and detailed updates on issues relating to the management of voids and other related work. Members request that the next update be brought to Committee at its meeting on the 9<sup>th</sup> January 2019. This should include:

- Reporting of PI results across the Service
- Updates on:
  - Current contractor performance
  - Rent loss across the quarter
- Update on the procurement of the additional contractor
- Updates on the development of the in-house team, and the performance of the team (when applicable)
- Any further plans and initiatives that are being developed to improve the service

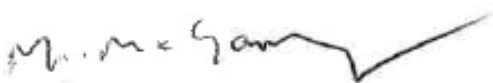
The updates will be added to the Committee's work programme and shared with you, as appropriate.

Thank you again to you and officers for attending. I require a response on the following:

- Contact details for Swansea, so that the Committee can arrange to visit the facility; and
- A detailed financial breakdown of what the current problems have resulted in for the Council.

We look forward to continuing to work with you in relation to this issue and receiving updates from January 2019 onwards.

Yours sincerely,



**COUNTY COUNCILLOR MARY M<sup>C</sup>GARRY**  
**Chairperson - Community & Adult Services Scrutiny Committee**

Cc: Sarah McGill, Corporate Director  
Jane Thomas, Assistant Director, Housing & Communities  
Ellen Curtis, Operational Manager, Landlord Services

Fy Nghyf / My Ref: CM40444  
Dyddiad / Date: 19th Nov 2018



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Councillor Mary McGarry  
E-Mail

Annwyl/Dear Mary,

### **CASC; Voids Management**

Thank you for your letter dated 15 October 2018 regarding the issues with void property management under the new Building Maintenance Framework. I can confirm the following in response to your comments:

#### **Development of an in house provision**

I share your frustration in terms of the problems and challenges of delivering void works through contractors and note your support of in-house provision. As stated during the Committee meeting a start has been made towards delivering work in-house. A new team of directly employed operatives has been established to take forward smaller works and a business case is currently being drafted for the establishment of a larger team to deliver more extensive works. I would be happy to report to a future committee on progress with this.

As you are aware, officers visited Swansea council as part of the voids project and have learnt from this visit. Please find attached in **Appendix 1** the contact details of officers in Swansea so that the Committee can arrange a visit. I would note however that, in the Swansea model, far less works are carried out while the properties are void than is currently the case in Cardiff and this will need to be considered in any future delivery proposals.

#### **Void Rent Loss**

As at 5<sup>th</sup> November 2018 the rent loss totalled £619,812. This equates to 1.45% of the current rent debit and at present is within the set performance indicator.

#### **Performance of Outgoing Contractor**

I note your concerns that the outgoing contractor Ian Williams did not honour the works and that this could have been foreseen.

#### **ATEBWCH I / PLEASE REPLY TO :**

Swyddfa Cymorth Y Cabinet / Cabinet Support Office, Ystafell / Room 518, Neuadd y Sir / County Hall  
Glanfa'r Iwerydd / Atlantic Wharf, Caerdydd/Cardiff, CF10 4UW  
Ffon / Tel: (029) 2087

#### **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.



The contract with Ian Williams did require that they continue to fulfil their obligations until the date of expiry of the contract. In reality their workforce started to leave them to work for other contractors and they were unable to supply enough skilled workers to complete the properties. While this was foreseen as a potential risk, unfortunately there was little that could have been done to mitigate this.

The new void contract which is being procured will have a contract length of 2 years with the option to extend for a further 2 years. Therefore, it will overlap with the existing contract. This together with the in house team should reduce the impact of any transition to future contracts.

### **Screening process for new contractors**

I note the Committee's concern that there was insufficient screening of new contractors to ensure their financial viability. A full assessment of financial viability of the contractors was undertaken by the Council's Financial Services section at the Pre-Qualification Questionnaire stage and all contractors met the set requirements before being invited to tender.

The issue that arose was with the tendered rates submitted by R&M Williams, which the contractor stated were not sufficient to carry out the works. As with all the bidders R&M Williams had all the information necessary to make an informed bid for the works.

As explained in the Committee meeting, R&M Williams alleged that due diligence was not carried out by the Council to check that their bid was not under-priced. This was not the case, proper checks were carried out and this was eventually accepted by R&M Williams.

As part of the procurement process the schedule of rates/prices for each of the bidders were reviewed. A "basket of works", comprised of a sample of the most common orders for void works, was put together and costed using their proposed rates. This process it did not highlight any issues with the costs being proposed for any of the bidders.

It is worth noting that R&M Williams were not the lowest priced bidder for the voids works. The contractor with the lowest prices overall continues to work for Cardiff Council and are assisting with taking additional void properties from the backlog and is not reporting any issues with the financial viability of the contract.

### **Penalties to prevent contractors to pulling out of contracts**

The contract with R&M William did allow them to withdraw from the contract provided they gave a set amount of notice, in this case 2 months, which they did adhere to, although they were gearing down during that period. In theory this gave time to reallocate the work to the remaining contractors; unfortunately only one contractor was willing to take on this additional work.

General legal opinion is that, if the Council has an option to withdraw from a contract then the contractor should have a similar option. Having said that further consideration will be given to lengthening the notice period required in future contracts, to increase the time available to reallocate work.

## **Clarity of the amount of works for which contractors will be responsible**

The tender pack for the Building Maintenance Framework included as much detail as possible about the nature and amount of the void works. The number of voids for the previous 3 years was provided and it was clearly explained that there would be peaks and troughs within the work stream as it is not possible to predict a fixed number of void properties each month.

Planning for void works is particularly difficult because not only does the number of properties vary but also the works required within each property also varies significantly. It is because of this difficulty in predicting the works that the decision was made to contract for voids alongside smaller planned works, allowing them to have a larger workforce. For this to be successful however contractors have to be able to use their workforce flexibly across different types of works and this is not always the case.

## **Awarding of contracts once the contractor is already geared up**

I completely understand the Committee's frustration about the amount of time it takes a contractor to gear up following contract award; however it is normal practice to allow an implementation period, usually of 3 months.

Unfortunately, it is not feasible for a contractor to have geared up prior to contract award. This would require all the bidders who submitted a tender to have already employed up to 40 operatives, purchased vans, equipment and stock on the basis that they may win the tender. Also TUPE rights also need to be considered with some operatives transferring from the outgoing to the new contractors. Although some TUPE information is provided as part of the tender pack, the bidders could not be sure at the time they submitted the tender how many operatives would be filled via TUPE and how many they would need to employ.

Once the contract has been awarded and TUPE issues have been resolved it is necessary to recruit the workforce, with the current demand for tradespeople this has also been challenging leading to delays in full implementation.

In the same way, a bidder could not be expected to commit to subcontractors or supply chain until the contract is awarded, it would be unreasonable to ask this level of commitment at the Tender stage.

## **Implementation of penalties**

Officers have delayed the implementation of penalties due to the very real risk of a further contractor pulling out of the Framework and the difficulties that this would pose. I appreciate that this cannot continue indefinitely and contingency arrangements are being put in place to manage any issues once the penalties have been applied.

## Monthly breakdown of voids / Quarterly updates

A monthly breakdown of voids over the past 12 months is provided below as requested.


New Voids in Month 2017/18	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Total
	75	57	50	69	58	51	81	51	50	47	59	80	728

New Voids in Month 2018/19	April	May	June	July	Aug	Sept	Oct	Total YTD
	83	63	55	78	73	62	89	503

Officers would be happy to report on progress quarterly. It is proposed that the first update is provided in January 2019.

I trust the information provide in this letter is of assistance.

Yn gywir  
Yours sincerely

  
Councillor / Y Cynghorydd Lynda Thorne  
Cabinet Member for Housing & Communities  
Aelod Cabinet dros Dai a Chymunedau



**Appendix 1:**

Contact details for Nigel Williams, manager of voids and responsive repairs in Swansea:

[Nigel.Williams@swansea.gov.uk](mailto:Nigel.Williams@swansea.gov.uk)

