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CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

Committee COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

Date and Time of Meeting MONDAY, 11 DECEMBER 2023, 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

10 **Correspondence following committee meeting** (Pages 3 - 12)

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13th Dec 2023

Councillor Norma Mackie
Cabinet Member for Adult Services
Sent via e-mail



Dear Cllr Mackie,

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 11 DEC 2023 – CARE HOME MARKET REVIEW – NON-CONFIDENTIAL MATTERS

On behalf of Committee Members, a sincere thanks, to you, and everyone present, for attending our December meeting and for facilitating such interesting discussions.

Fee Setting Approach V Strategy

It was interesting to explore the rationale for the 2024/25 fee setting approach which covers a one-year period, as opposed to on overall 'Fee Setting Strategy' (as seen in 2019), which covered a three-year period. We understand the caution around setting a three-year strategy given the ongoing financial background and the financial situation that the Council is facing for 2024/25. We note the confirmation we received that when the financial context allows, we will return to a longer-term Fee Setting Strategy. We also note and welcome, the fee uplifting mechanism proposed for the Real Living Wage.

Engagement With Providers

We raised our concern around the poor response to our 2022 and 2023 Cost of Care Exercise and what this suggests in terms of our relationship with providers. In particular, there was also concern that the 2024/25 fee setting approach is subject to 'further consultation with providers' and so we sought assurance that this forthcoming consultation with providers will be effective.

We heard the consultation with providers to inform the 2024/25 fee will be via a 'straightforward survey' which is hoped, will result in better engagement. Through our discussions at the meeting, we are of the view, the paperwork and requirements requested on care providers may be relatively onerous with complicated systems and processes in place. This leads us to the view that our Cost of Care Exercise may not be fit for purpose, and so we would strongly encourage it be reviewed.

Although we note the potential resource implications of placing a mandate on care providers to engage with us, we are of the view that it should be considered over the longer term,

particularly in terms of care providers becoming approved providers on the DAPL. As such, we would encourage you to continue your discussions with Welsh Government on this matter.

Annual Uplift

Although the rationale for not providing annual uplifts to packages where the council pays above the standard fee is understood, we do hold concern regarding the numbers this would affect. We heard (at present) no annual uplifts would apply to 254 placements and we have concern surrounding the subsequent action of the care home and ultimately, the risk that poses for the individual residing in the home and future care availability.

Further, we also questioned the fairness in this approach, given all learning disabilities care home placements will receive annual uplifts even when we are paying more than the standard fee.

Provider Investment

During the meeting, there was an interesting discussion around the need for providers to be able to undertake infrastructure investment, particularly in respect of offering specialist care. It was interesting to hear that despite previous failed attempts, we will again seek funding from the Welsh Government to support capital schemes for private providers. We note Welsh Government have previously not agreed this funding; however, we sincerely hope this is a matter which in some way can be resolved given the need for specialist care provision in Cardiff.

Flexible Approach

During the meeting we heard about the National Commissioning Board's (NCB) work regarding fees being tailored to providers which seems to provide more of a flexible approach, as opposed to a blanket fee setting approach. We hope you and officers continue to work with the NCB in exploring this matter fully. In addition, it was pleasing to hear the NCB's assurance that the proposals for the future commissioning model proposed in this Cabinet Report appears positive and should assist in providing providers a degree of certainty.

As already mentioned in this letter, we as a committee, are aware that there is a lack of specialist care provision in the city. We sincerely hope that the Hybrid Model Framework proposed in this Cabinet Report will be able to significantly address this issue and can also assist with the issue of the council paying above the standard rates and supporting the development of Section 16 providers.

We thank you, and all attendees, once more for attending the meeting.
We hope you too found the discussions interesting and useful.
To confirm, no response to this letter is requested.

Yours,

A handwritten signature in black ink, appearing to read 'Rhys Taylor', is positioned above a thin horizontal line. The signature is written in a cursive style.

COUNCILLOR RHYS TAYLOR

CHAIR, COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

cc. Members of the Community & Adult Services Scrutiny Committee

Jane Thomas, Director Adults, Housing & Communities

Angela Bourge, Operational Manager, Strategy, Performance & Resource

Maria Bell, Head of Policy, National Commissioning Board

Cardiff Council Chair of Governance & Audit

Tim Gordan, Head of Communications & External Relations

Jessica Tomlinson, Improvement Project Manager

Cabinet Office

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13 Dec 2023

Councillor Lynda Thorne
Cabinet Member for Housing & Communities
Sent via e-mail



Dear Cllr Thorne,

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – HOUSING EMERGENCY – 11 DEC 2023 – NON-CONFIDENTIAL

Thank you, to you and officers for attending the Community & Adult Services Scrutiny Committee, to facilitate our consideration of the finalised Housing Emergency proposals, and for the presentation provided to us which covered the specific detail of the property proposals.

The key observations discussed by the Committee on matters in the public domain are captured in this letter. A separate letter has been sent regarding our observations on the confidential matters.

Consultation

As mentioned at the meeting, we welcome the forthcoming consultation on the policy proposals. Through our questions we heard the consultation will be undertaken with individuals on the housing waiting list and key stakeholders such as homeless service providers. We note the consultation will start in the new year and will run for 6 weeks with the results feeding into an overall impact assessment.

At the meeting, we wished to explore the weight of the consultation, and questioned what would happen if the majority, or a significant number of the respondents, did not agree with the policy proposals. We do wish to stress that it is vital that the consultation results must inform the proposals should they be agreed.

Intentionality

We questioned the 'evidence' that would be required to apply intentionality, and we heard it will encompass specific information provided by landlords. Although we heard the number of people the intentionality proposal will affect is very small, our concern remains. We note certain individuals will be exempt from this proposal, but to our understanding, certain families will not. And so, if a family with children is deemed as making themselves

intentionally homeless it raises concern over what would happen to the children, if they may end up in the care of social services and so on.

We would encourage the council to pursue with Welsh Government piloting or testing proposals in the current Welsh Government Ending Homelessness White Paper around a 'deliberate manipulation test', which appears to be the challenge the council is attempting to address.

Offers of Accommodation outside of Cardiff

We note that when offers of accommodation outside of Cardiff are made to individuals, it will be private rented sector accommodation offered. We also heard that should the individual or family become homeless again at a future point, the local authority in which the property resides would then owe the homeless duty. We note the Cabinet Reports advises other local authorities have been notified of this policy proposal and we wish to stress the importance of close collaboration with them on this matter.

We do wish to request clarification on permanency for individuals; so for example the minimum term of a tenancy that will be offered under these proposed arrangements.

Thank you once again to you and officers for attending committee.

To confirm, a response to this letter is required which clarifies the permanency details for individuals when they are offered accommodation outside of Cardiff.

We also wish to request sight of the consultation results for the policy proposals and the subsequent impact assessment but have tasked our support officer to liaise with relevant individuals regarding this request.

Yours,



COUNCILLOR RHYS TAYLOR

Chair - Community & Adult Services Scrutiny Committee

cc. Members of the Community & Adult Services Scrutiny Committee

Jane Thomas, Director, Adults, Housing & Communities

Helen Evans, Assistant Director, Housing & Communities

Dave Jaques, Assistant Director, Housing Development & Regeneration

Group Leaders

Chair of Governance & Audit

Tim Gordan, Head of Communications & External Relations

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Fy Nghyf / My Ref : [CE:0045453]

Eich Cyf / Your Ref :

Dyddiad / Date: 17th January 2024

Cllr Rhys Taylor,
Chair
CASSC
County Hall
Cardiff
CF10 4UW

Annwyl/Dear Councillor Taylor,

CASSC Scrutiny – 11th December - Housing Emergency

Thank you for the opportunity to present to Committee the detail of the Housing Emergency cabinet report at the December meeting.

A response to your letter of the 13th December 2023 is set out below.

In your letter you have requested clarification on the permanency details for individuals who may be offered private rented accommodation outside of Cardiff. The Housing Wales Act states that local authorities can discharge their full homeless duty in a number of ways. This includes an offer of suitable accommodation under:

- Part 6 of the Housing Act 1996 (this relates to an allocation of social housing); or
- an assured tenancy (including an assured shorthold tenancy)

Therefore a full homeless duty can be discharged with a suitable private rented sector offer. The Code of Guidance for Local Authorities in Wales states that the tenancy must however be for a minimum period of at least six months.

This legislation will of course be complied with for those homeless applicants who are offered private rented accommodation outside of the Cardiff area.


It is also worth noting that following the introduction of the Renting Homes Act in December 2022, landlords now have a legal duty to give 6 months' notice to all tenants, now called contract holders. A landlord is also unable to serve notice within the first 6 months of a tenancy (on a general ground). In effect this will mean that most contract holders now have the security of a 12 month tenancy.

You have also requested sight of the consultation results for the policy proposals and the subsequent impact assessment. Please be assured that these will be shared with the Committee as soon as they are available.

I hope this now clarifies the position and gives you assurance on this matter.

Please do not hesitate to contact me should you require any further assistance.

Yn gywir / Yours sincerely

A handwritten signature in black ink that reads "Lynda Thorne". The signature is written in a cursive style with a large initial 'L'.

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