

**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