

CABINET MEETING: 19 NOVEMBER 2020

**AGREEMENT TO THE EXPIRY OF THE REGIONAL
WORKFORCE TRAINING AND DEVELOPMENT TRAINING UNIT
COLLABORATION AGREEMENT.**

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

AGENDA ITEM: 11

Reason for this Report

1. In November 2017 Cabinet approved a proposal to establish a regional Social Care Workforce Development Training Unit and provided delegated authority to enter into a collaboration agreement to provide governance for this proposal.
2. The collaboration agreement term was from 1 April 2018 to 31 March 2021 with an option to extend.
3. This report proposes that no extension is sought to this arrangement and that alternative local arrangements are put in place by Social Services.

Background

4. A Regional Care and Support Workforce Development Partnership (RWP) was established in 2015 under the leadership of the Director of Social Services for Cardiff. Its key aim is to enable the growth and development of an appropriately skilled and effective social care workforce.
5. With the implementation of the Social Services and Well-being (Wales) Act 2014 it was felt that the wider social care workforce in the region and the Local Authorities Social Services workforce would be best served by one regional Workforce Development Training Unit (WDTU) and work undertaken within the context of the RWP, provided a firm foundation on which to build a regional WDTU.
6. The Cabinet gave its approval to implement a regional WDTU in October 2017 and the regional WDTU became operational in April 2018. A Collaboration Agreement that clearly set out the governance

arrangements for the regional WDTU was agreed under delegated authority to the Director of Social Services in April 2018. The purpose of the Collaboration Agreement was to ensure that the interests of both Local Authorities were appropriately protected. The Collaboration Agreement took effect from 1 April 2018 and will expire on 31 March 2021.

7. Under the terms of the Collaboration Agreement, partners may agree unanimously to extend the Agreement for an agreed period of up to 2 years and on varied terms as they agree, beyond the initial term, subject to approval of the individual partner's internal approval processes.
8. However, both partners have determined that the Collaboration Agreement should not be extended beyond its initial term and that the regional WDTU should end on 31 March 2021.

Issues

9. Whilst the collaboration has been a positive one, it is felt that the practicalities related to a single team covering the region has been challenging. Lessons learned from this experience has led officers to conclude that the very different social care training and development needs of each Local Authority area are best met through separate WDTUs.
10. Very close working arrangements need to be in place between Social Services Commissioning, Social Care Providers, Adult Services, Children's Services, and the social care training team. The culture of the Council and Social Services should be closely linked to all training and development and this is inherently difficult to achieve through a regional training provision.
11. The response to Covid-19 has had a dramatic effect on the provision of Social Care. In particular the need to work in close partnership at a local authority level with social care providers has been paramount. Social care commissioning, the provision of PPE and testing have been coordinated positively at a local level with a number of additional benefits. The proposed changes would allow Social Services to build on this further through focussed local support and training arrangements being provided on this same footprint without the challenges of meeting sometimes different and conflicting needs of a regional partner.
12. To support a smooth transition to a locally provided service, it is intended that a smaller social care training team is created for Cardiff before April 2021 This team would be developed using the budget provided through the training grant provided by Social Care Wales and the existing match funding arrangements which are a condition of the grant.
13. A restructure of the existing regional training team will be necessary to ensure that the Cardiff training team have an affordable structure that is designed to best meet the specific needs of the Local Authority. There are currently a number of vacancies in the regional WDTU. Transfer of

Undertakings (Protection of Employment) Regulations 2006 (as amended) (TUPE) is expected to apply to those employees who substantially work on Vale training requirements. Due to the level of vacancies that currently exist in the WDTU it is anticipated that sufficient opportunities will exist for permanent employees to remain in the new team if they wish to do so, although there is likely to be some changes to the roles that will be required.

14. Contact has been made with Social Care Wales who administer the grant funding to ensure that they are aware and to determine any implications of the agreement terms not being extended. It is likely that the training grant will be passed to one authority to administer, however the separate allocations are clear.
15. Under the current arrangement, Cardiff Council incur costs for running the training unit and invoice the Vale Council £117,069 for its contribution.
16. Both Local Authorities are awaiting confirmation of the level of funding from Social Care Wales, but the assumption is that the value of the grant in 2021-22 will remain as this year which is £756,670 for Cardiff with the Council providing 30%, match funding of £324,287. The total Social Care Workforce Development Partnership (SCWDP) funding available to Cardiff is assumed to be £1080,957.
17. Colleagues from both Councils have considered the effectiveness of the regional arrangements to date and are supportive of the proposals to provide training services more locally. However, where it is appropriate and cost effective to undertaken joint training on a regional basis, these arrangements will continue, as they had prior to the RWTU being set up.
18. The Welsh Government continues to require that all councils establish regional workforce partnerships and agree strategic regional priorities across the whole social care sector. This is to ensure the alignment of a regional workforce strategy with the implementation of the Social Care and Wellbeing Act (Wales) 2014. In line with this requirement, both Local Authorities are committed to maintaining the RWP under the leadership of the Director of Social Services for Cardiff to ensure a skilled and appropriately qualified, confident and competent social care workforce for the region

Trade Union Consultation

19. Trade Unions were consulted via e-mail on 16th September 2020 and were invited to attend an employee consultation session via Microsoft Teams on 2nd October 2020. No objections were raised by any of the Trade Unions regarding the proposal and they did not attend the employee meeting.

Staff Consultation

20. An employee consultation meeting was held on 2nd October 2020 where they were appraised of the proposal and the expected timescales for progressing a restructure if Cabinet agrees the recommendations set out in this report.
21. Employees were understanding of the reasons underpinning this recommendation and were broadly supportive of the proposal to let the current Collaboration Agreement expire and to end the regional WDTU. Some employees expressed concern about the potential impact on the roles they currently undertake but were reassured that TUPE would apply for those employees who are substantially working on Vale business.

Reason for Recommendations

22. Both Councils have determined that the Collaborative Agreement should not be extended beyond its initial terms and that the regional WDTU should end on 31 March 2021.
23. Whilst the collaboration has been a positive one, it is felt that the practicalities related to a single team covering the region has been challenging and it felt that the very different social care training and development needs of each Local Authority area are best met through separate WDTUs. It is also felt that separate WDTUs will be better placed to meet the very different priorities of each Local Authority in a more equitable way.

Financial Implications

24. The overall costs of the current collaborative arrangement are £1.471 million. Social Care Wales grant funds £1.030 million of this sum and the remaining £0.441 million is covered by a 30% match-funding contribution from the two collaborating Local Authorities, in line with the requirements of the grant. This position, and the respective element of each Authority is set out in the table below.

	Cardiff £000	Vale £000	Total £000
Grant Funding	757	273	1,030
Match Funding (at 30% of overall funding)	324	117	441
TOTAL	1,081	390	1,471

25. Assuming that in 2021/22 the level of Social Care Wales grant will be comparable to previous years, Cardiff Council will have a total of £1.081 million within which to deliver its local service. Currently, Cardiff's costs are evenly split between staffing budgets and budgets for externally commissioned services. Any change in this mix in order to tailor the services to the new arrangements will need to be contained within the overall funding envelope of £1.081 million.

Legal Implications

26. As stated in the body of the report the Collaboration Agreement ('Agreement') took effect from 1 April 2018 and will expire on 31 March 2021, unless the parties agree to extend the term of the Agreement . Accordingly the recommendation to let the agreement expire can be achieved in terms of the Agreement concluded and contract law. The Agreement sets out provision as regards what is to happen upon expiry in respect of; premises, assets and any under or overspend and the provisions of the Agreement should be followed when managing the expiry arrangements . The HR advice addresses the employment law issues raised by this proposed decision and reference is made to the same. It is understood that funding for the Agreement is partly derived from a grant and the terms and conditions of the grant, relating to the expiry of the Agreement, should be complied with.
27. In considering this proposal and the way forward for future training requirements, regard should be had to the requirements of the Social Services and Well-being (Wales) Act 2014 ("the Act"), Codes and statutory guidance issued thereunder . Including to Part 9 of the Act, which 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 is understood that Paragraph 18 of the body of the report addresses this.

General legal advice

28. In considering this matter the decision maker should have regard to the Council 's duties under the following legislation:-
29. **The Well-Being of Future Generations (Wales) Act 2015 ('the Act')**, which places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff Council's Corporate Plan 2020 -23 . When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
30. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must

take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/futuregenerations-act/statutory-guidance/?lang=en>

31. **Equalities Act 2010** . The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to 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’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief. To assist in the consideration of these duties an equalities impact assessment is attached to this report, to which regard should be had.
32. The decision maker should also have regard, when making its decision, to the Council’s wider obligations under the **Welsh Language (Wales) Measure 2011 and the Welsh Language Standards**.
33. An Equality Impact Assessment has been undertaken and this proposal is not felt to have a differential impact on any of the equalities groups considered in the assessment. A copy of the assessment is located at **Appendix A** of this report.

HR Implications

34. There are HR implications for this report as noted in paragraph 13 of the report. The trade unions and staff have been involved in an initial consultation, and this will need to continue throughout the process. Any transfer of staff will be dealt with in accordance with Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended). There is also likely to be a restructure of the staff that remain in the Council and this will be carried out in line with corporately agreed processes.

RECOMMENDATIONS

Cabinet is recommend to

1. Agree to the expiry of the Collaboration Agreement for the Regional Workforce Training and Development Unit on 31 March 2021.
2. Delegate authority to the Corporate Director, People and Communities in consultation with the Cabinet Members for Children and Families and Social Care, Health & Well-being, the Cabinet Member for Resources and Section 151 and Monitoring Officers for all aspects of the Governance and any associated arrangements which may be required in relation to this proposal.

SENIOR RESPONSIBLE OFFICER	SARAH MCGILL Corporate Director People & Communities
	13 November 2020

The following appendix is attached

Appendix A – Equality Impact Assessment

The following background papers have been taken into account

- Cabinet Report: Proposal to develop a business case for a Regional Social Care Training Unit for Cardiff and Vale of Glamorgan – 19th January 2017
- Cabinet Report: Proposal to Implement a Cardiff and Vale of Glamorgan Social Care Regional Workforce Development Training Unit - October 2017
- Officer Decision Report: Collaboration Agreement in Relation to the Regional Social Care Workforce Training Unit – March 2018