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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

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Rhowch wybod i ni os mai Cymraeg yw eich
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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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Gofynnwch am / Ask for: Mark Anthony Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 13 March 2019

Dear Councillor,

CABINET

A meeting of the Cabinet will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 19 March 2019 at 14:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 20
To receive for approval the Minutes of Cabinet of 12/2/19 and 19/2/19
4. Brexit update and Risk Register 21 - 36
5. Suspension of Contracts Procedure Rules and Awards of Contracts of the Corporate Landlord Service 37 - 40
6. Transition of Regional Collaborative Committee in respect of the Supporting People Programme 41 - 46
7. Integrated Community Services - Section 33 Agreement 47 - 52
8. Health Boundary Change - Update 53 - 68
9. Children's Social Care - University Support Packages for Care Leavers 69 - 98
10. Proposed disaggregation of Youth Offending Services from the Western Bay arrangements 99 - 110
11. Invitation of Tenders for Home to School Transport Bus Service Contracts 111 - 114

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| 12. | <u>School Modernisation Programme - Band B</u> | 115 - 126 |
| 13. | <u>Commissioning and Award of Contracts in respect of the Families First Programme</u> | 127 - 132 |
| 14. | <u>Information Reports for Noting</u> | 133 - 156 |
| 15. | <u>Urgent Items</u>
To consider any items of business that by reason of special circumstances the chairperson is of the opinion should be considered at the meeting as a matter of urgency in accordance with paragraph 2.4 (e) of the Cabinet Procedure Rules within the Constitution. | |
| 16. | <u>Exclusion of the Public</u>
The following item is not for publication as it contains exempt information as defined in Paragraph 14 of Part 4 and Paragraph 21 of Part 5, Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007. | |
| 17. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt minutes of 19/02/2019 | 157 - 158 |

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

HJ David
CE Smith

Councillors

PJ White
HM Williams

Councillors

D Patel
RE Young

CABINET - TUESDAY, 12 FEBRUARY 2019

MINUTES OF A MEETING OF THE CABINET HELD IN CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 12 FEBRUARY 2019 AT 14:30

Present

Councillor HJ David – Chairperson

CE Smith
RE Young

PJ White

HM Williams

D Patel

Officers:

Gill Lewis	Interim Head of Finance and Section 151 Officer
Kelly Watson	Head of Legal & Regulatory Services
Mark Shephard	Interim Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Andrew Rees	Democratic Services Manager
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Business & Administrative Apprentice

308. DECLARATIONS OF INTEREST

None.

309. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of Cabinet of 22 January 2019 be approved as a true and accurate record.

310. CORPORATE PLAN 2018-2022 REVIEWED FOR 2019-20

The Interim Chief Executive sought endorsement of the Council's Corporate Plan 2018-22 for 2019-20 prior to submission to Council for approval.

He informed Cabinet that the Council has a duty to set well-being objectives under the Well-being of Future Generations (Wales) Act 2015 and to set improvement objectives under the Local Government (Wales) Measure 2009. He stated that the current Corporate Plan covering 2018-22 sets out three corporate well-being objectives and has been reviewed for 2019-20. In reviewing the Plan, the Council has further developed its well-being objectives and these priorities, once approved, will be the Council's well-being objectives under the Well-being of Future Generations (Wales) Act 2015 and improvement objectives under the Local Government (Wales) Measure 2009.

The Interim Chief Executive reported that the Corporate Overview and Scrutiny Committee on 14 January 2019 had considered the revised draft plan and had made a series of constructive comments for amendment and inclusion. The comments had been considered and wherever feasible, appropriate amendments had been made to the draft Plan. He informed Cabinet that the Plan will be reviewed annually taking into account changing circumstances and progress made against the well-being objectives to ensure that the requirements of the Local Government (Wales) Measure 2009 and the Wellbeing of Future Generations (Wales) Act 2015 are met. Once approved, the Plan will replace the current Corporate Plan and will be supported by the Medium Term Financial Strategy, Directorate business plans and service plans.

The Leader placed on record his thanks to the Corporate Overview and Scrutiny Committee which had been very thorough in its scrutiny of the Corporate Plan and had contributed to the revised Plan.

The Cabinet Member Wellbeing and Future Generations commented that the revised Corporate Plan is well set out and easy to follow and requested that the following information be incorporated into the Plan:

- Further information on housing and measures being taken to prevent homelessness, namely the number of hostels and floor space available
- An indicator on the percentage of households successfully prevented from becoming homeless
- Clarity on the number of swimming pools and life centres in the County Borough.

The Leader informed Cabinet that a draft strategy on reducing and relieving instances of homelessness was currently the subject of consultation which would be fed into the Plan. He urged all Members to contact officers with their views on the revised Plan to ensure that it was reflective of all Members. He stated that within the Plan there is a commitment to the development of a water sports centre in Porthcawl to enhance it as a tourist destination; the redevelopment of Maesteg Town Hall into an arts and cultural hub and the continued investment in the Band B School Modernisation Programme.

RESOLVED: That Cabinet endorsed the new Corporate Plan 2018-22, reviewed for 2019-20 subject to the changes listed below and recommended it to Council for approval on 20 February 2019.

- Include further information on housing and measures being taken to prevent homelessness, namely the number of hostels and floor space available
- Include an indicator on the percentage of households successfully prevented from becoming homeless
- Clarity on the number of swimming pools and life centres in the County Borough.

311. **MEDIUM TERM FINANCIAL STRATEGY 2019-20 TO 2022-23**

The Interim Section 151 Officer presented the Medium Term Financial Strategy 2019-20 to 2022-23, which included a financial forecast for 2019-23, a detailed revenue budget for 2019-20 and a Capital Programme for 2018-19 to 2028-29.

She informed Cabinet that the MTFs has been significantly guided by the Council's priorities and while there had been year-on-year reductions in Aggregate External Finance (AEF) has necessitated significant budget reductions across service areas, the Council still plays a very significant role in the local economy, responsible for annual gross expenditure of around £400M and is the largest employer in the County Borough. The Interim Section 151 Officer informed Cabinet that the Corporate Plan is being presented to Council for approval alongside the MTFs 2019-23. The two documents were aligned to each other, enabling explicit links to be made between the Council's priorities and the resources directed to support them.

The Interim Section 151 Officer reported that the MTFs outlines the principles and detailed assumptions which drive the Council's budget and spending decisions, the financial context in which the Council is operating and to mitigate any financial risks and

pressures going forward, at the same time taking advantage of any opportunities that may arise.

The Interim Section 151 Officer provided Cabinet with a Corporate Financial Overview and commented that the Council's gross budget will be around £420m while the net revenue budget is planned for 2019-20 is £270.809m. She stated that around £180m of this expenditure is spent on the Council's staff, including teachers and school support staff. Much of the cost of the services provided by external organisations is also wage related, including waste collection operatives, domiciliary care workers, leisure staff and foster carers. The Council also faces reduced income to fund services, as well as legislative and demographic changes. The Council has adopted a corporate plan that sets out the approaches that it will take to manage these pressures whilst continuing to ensure that, as far as possible, services can be provided that meet the needs of the community.

The Interim Section 151 Officer informed Cabinet that the Council is proposing to spend £111m on services delivered by Education in 2019-20, supporting 22,792 pupils. Spending on schools are the biggest single area of spend in the Council. After Education, the largest area of Council spend is in Social Care, Early Help and Homelessness services, which has a total budget of £73m, constituting 27% of the Council's net revenue budget. Of this, the Council is proposing to spend £71m on social care and wellbeing services. She stated that the Council's work on the public realm has a more direct and visible impact within the community, with the Council proposing to spend £19.5m on these services. One of the Council's priorities is in Supporting the Economy and the Council will increasingly work collaboratively with the other nine councils which make up the Cardiff Capital Region City Deal, which is creating a £1.2 billion fund for investment in the region over the next 20 years. The investment will be targeted on raising economic prosperity, increasing job prospects and improving digital and transport connectivity. The Interim Section 151 Officer informed Cabinet of the proposed spend on Other Services, the most significant areas being Regulatory Services; Registrars and Council Tax and Benefits. In addition, there are a number of services the Council does to support the delivery of those services, which are Property and Building Maintenance; Finance; Legal Services; ICT and Internal Audit.

The Interim Section 151 Officer reported on the Strategic Financial Context and informed Cabinet that the MTFs is set within the context of UK economic and public expenditure plans, Welsh Government priorities and legislative programme. The Interim Section 151 Officer informed Cabinet following the announcement of the provisional local government settlement in October 2018, the Chancellor of the Exchequer announced that the Welsh Government will receive an extra £550m over the next three years, with the Welsh Government being able to decide how to spend this allocation. The then First Minister confirmed a package of additional funding proposals for local government, which would be incorporated in the final budget. The Council received its final settlement from the Welsh Government in December 2018, which for this Council resulted in a reduction of 0.1% in Aggregate External Finance or £258k. This was offset by new responsibilities with the true impact for the Council estimated to be a reduction of £1.182m or -0.61% compared to 2018-19, the real position for this Council would be reduction of -1.07% or £2.07m.

The Interim Section 151 Officer reported that the Council had approved a capital programme for 2017-18 to 2027-28 in February 2018, based on the assumption that annual Welsh Government capital funding would be flat lined from 2018-19 onwards. Revised versions of the capital programme had been approved during the financial year to incorporate budgets carried forward from 2017-18 and any new schemes and grant approvals. The Interim Section 151 Officer outlined a comparison of budget against projected outturn at 31 December 2018, with a projected under spend of £5.312m,

comprising a £592k under spend on directorates and a £6.642m net under spend on corporate budgets, offset by net new earmarked reserves of £1.922m.

The Interim Section 151 Officer informed Cabinet of the outcome of the eight week consultation entitled, 'Shaping Bridgend's Future 2018' which received 5,288 interactions. Within this there were 2,677 survey completions, demonstrating a 44% increase on last year. She also thanked the Budget Research and Evaluation Panel in assisting facilitating the budget planning process and the Overview and Scrutiny Committees which resulted in a series of recommendations being made by the Corporate Overview and Scrutiny Committee for consideration by Cabinet.

The Interim Section 151 Officer reported on the budget reduction scenarios and that the most likely scenario was a potential net budget reduction of £35.181m over the course of the MTFS. She also highlighted the current progress on identifying budget reduction proposals. The Interim Section 151 Officer informed Cabinet of the net budget requirement to fulfill the Council's functions, financed from the Welsh Government settlement and Council Tax income, which would require an increase in Council Tax of 5.40%. The Interim Section 151 Officer also informed Cabinet of the pressures of pay, prices and demographics, with there being an estimated increase of 43% in the employer contribution rates for teachers' pensions, which would result in a full year cost of around £3.5m. Price inflation has been allocated to service budgets and includes contractual increases in food costs, social care provision and other commitments.

The Interim Section 151 Officer reported that following a better than anticipated settlement in 2018-19, school budgets were protected from the proposed 1% annual efficiency target, but given the forecast pressure on Council budgets for future years. However following the additional funding announced by the First Minister in November 2018, and the subsequent improved final settlement, along with the outcome of the public consultation and Scrutiny Committees' recommendations, school budgets have again been protected from the 1% efficiency reduction in 2019-20.

The Interim Section 151 Officer reported on the budget pressures which total £2.191m, which represent unavoidable pressures and contractual changes. Budget reduction proposals of £7.621m had been identified from service and corporate budgets to achieve a balanced budget. Fees and charges would be increased by at least Consumer Price Index (at the prevailing rate, currently 2.1%) plus 1%.

The Interim Section 151 Officer informed Cabinet of the position of the Council's Reserves, the forecast movement to 31 March 2019 on Earmarked Reserves would be an overall reduction of £10.925m. A further review would be undertaken at the end of the current financial year, with the forecast movement in reserves for 2019-20 being £7.891m.

The Interim Section 151 Officer reported on the Capital Programme and Capital Financing Strategy for 2018-19 to 2028-29, which has been developed in line with the MTFS principles and the proposed Capital Strategy and reflects the Welsh Government capital settlement for 2019-20. Capital funding of £7.665m, of which £3.938m is provided through un-hypothecated supported borrowing and the remainder of £3.727m as general capital grant. This includes the 2019/20 share (£30m) of the additional £100m of general capital funding announced by the Welsh Government in the provisional settlement. The Council has already received £2.215m as its share of the £50m allocation for 2018-19. The Interim Section 151 Officer outlined the proposed allocations of capital funding.

The Interim Section 151 Officer reported that it was estimated that around £21 million could be generated as part of the enhanced disposals programme which commenced in

2014. So far, circa £16.1 million has already been delivered, with £4.3 million under contractual agreement and the balance projected to be realised over the next 18 months (2018-2020). Of the £21 million, £9.8 million relates to school buildings and land vacated through the 21st Century Schools Programme, to be used as match funding for the programme. This excludes any receipts anticipated from the sale of Waterton or Porthcawl Regeneration sites which will be the focus of the disposal programme in the future.

The Interim Section 151 Officer also reported that Prudential Borrowing taken out as at 1 April 2018 was £41.77 million, of which £27.03 million was outstanding. It is estimated that the total borrowed will increase to £43.75 million by the end of this financial year.

The Deputy Leader in commending the budget proposals thanked the public for contributing to the consultation process where there had been a 44% increase in responses to last year and which had helped to shape the budget. He thanked the Finance Team for its work in predicting the settlement which would see a real cut in expenditure of £2m. However an improved final settlement would allow for the protection of schools and it was proposed to spend £111m on schools, £73m on Social Care and £19.5m on public realm. He outlined proposed spend on projects included in the Capital Programme. He stated that in order to deliver these commitments there was a need to deliver a balanced budget resulting in budget reduction proposals of £7.6m and a requirement to increase Council Tax by 5.4%. He placed on record his thanks to the Budget Research and Evaluation Panel, the Overview and Scrutiny process and the public whose views had been listened to.

The Cabinet Member Education and Regeneration in commending the proposal to increase schools budget demonstrated that it had listened to the views of stakeholders. The Cabinet Member Social Care and Early Help commented that the last 4-5 years had been difficult for Social Services, however the Directorate had remodelled the service and had lost staff, while continuing to run the service which was demand led. He informed Cabinet that 2 new extra care facilities are being developed and would shortly be opening. He commended the staff in the Directorate for their hard work and dedication to delivering services.

The Cabinet Member Communities commended the proposal to invest £2.5m in bridge strengthening in the Ogmere Valley. He stated that the Council would have to look at the full cost recovery for the use of sports facilities, reduce the frequency of grass cutting and would in future have to consider the removal of bus route subsidies. He stated that the Council was committed to the delivery of the School Modernisation Programme and Social Care.

The Leader informed Cabinet that all 22 local authorities in Wales are faced with increasing Council Tax and having to make difficult decisions. The Leader thanked the Budget Research and Evaluation Panel which is a cross party panel and the Overview and Scrutiny for providing a number of recommendations on the budget. He stated that the priorities of the Cabinet are school budgets and of the £4.6m increase in Council Tax, £4.5m would be spent on schools. He informed Cabinet that the Council has written to the UK Government requesting that it fully fund the increase of £3.5m in teachers' pension contributions and that a response was awaited.

RESOLVED: That Cabinet approved the MTFs 2019-20 to 2022-23 including the 2019-20 revenue budget and the Capital Programme 2018-19 to 2028-29 and recommended these to Council for adoption and in particular requested that the following specific elements are forwarded to Council for approval:

CABINET - TUESDAY, 12 FEBRUARY 2019

- The MTFS 2019-20 to 2022-23
- The Net Budget Requirement of £270,808,634 in 2019-20
- A Band D Council Tax for Bridgend County Borough Council of £1,470.87 for 2019-20 (Table 11 of the MTFS)
- The 2019-20 budgets as allocated in accordance with Table 9 in paragraph 3.3 of the report
- The Capital Programme 2018-19 to 2028-29, attached at Appendix G of the MTFS.

312. URGENT ITEMS

There were no urgent items.

MINUTES OF A MEETING OF THE CABINET HELD IN CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 19 FEBRUARY 2019 AT 14:30

Present

Councillor HJ David – Chairperson

CE Smith
RE Young

PJ White

HM Williams

D Patel

Apologies for Absence

None

Officers:

Gill Lewis	Interim Head of Finance and Section 151 Officer
Kelly Watson	Head of Legal & Regulatory Services
Mark Shephard	Interim Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Zak Shell	Head of Neighbourhood Services

314. DECLARATIONS OF INTEREST

Councillor HM Williams – Personal interest in Agenda item 10, as he has two grandchildren who are pupils in Ysgol Gynradd Gymraeg Calon Y Cymoedd School.

Councillor CE Smith – Personal interest in Agenda item 11, as a member of the Management Board for the Pupil Referral Unit.

315. RENEWAL OF INSURANCE COVER

The Interim Head of Finance and S151 Officer submitted a report, the purpose of which, was to inform Cabinet of the result of the retender exercise for the liability and officials indemnity policies and to seek Cabinet approval to authorise Marsh UK Limited, as the Council's appointed insurance broker, to accept cover for the full range of policies, on behalf of the Council.

Table 1 in the report confirmed the net premiums, excluding insurance premium tax, and the Interim Head of Finance and S151 Officer added, that Marsh UK Limited had undertaken the annual insurance renewal negotiations for the policies still subject to long term agreements.

She pointed out that negotiations with Marsh UK Ltd had resulted in an overall reduction in premium from 2018-19 of £18,512.

Paragraph 4.8 of the report gave details of the tender process that had been followed, which also included the responses to the tender, the winning score as well as the recommended Insurer. This covered a five year long term agreement. The current premium and claims handling costs as well as the new tender premium and claims handling costs were shown in Table 3 within the report. It was noted that there was a reduction in total cost of £2,936.

The Interim Head of Finance and S151 Officer then concluded her submission by outlining the report's financial implications with the costs for 201-20 being shown in Table 4 in the report, which reflected a reduction of £21,448 (3.0%) compared with last year. Costs would be met from the 2019-20 Insurance Revenue budget.

The Deputy Leader confirmed that he was impressed to note that there was a reduction in insurance cost for the Motor Fleet, notwithstanding the fact that we were now serving a larger population with less vehicles.

RESOLVED: That Cabinet approved the acceptance of the quotations in paragraphs 4.1 and 4.9 of the report and the renewal of the insurance programme through March UK Limited as the Council's appointed Insurance Broker.

316. ANTI-FRAUD & BRIBERY AND ANTI-MONEY LAUNDERING POLICIES

The Interim Head of Finance and S151 Officer presented a report, which sought formal approval and adoption of the Anti-Fraud and Bribery Policy and Anti-Money Laundering Policy, attached at Appendix A and Appendix B, respectively.

The report gave some background information, then advised that Cabinet are required to review and approve both the Anti-Fraud and Bribery, and Anti-Money Laundering Policies on a regular basis, to ensure that they remain up to date with current legislation and to minimise the risks of fraud, bribery or money laundering occurring.

The Anti-Fraud and Bribery Policy has been updated to reflect changes in the General Data Protection Regulations and strengthens the definition of 'fraud' to include deception, forgery, extortion, theft, conspiracy, embezzlement and false representation, manipulating of accounts and records, dishonest contract arrangements and other financial irregularities. The policy also references the need for Members to declare any Related Party Transactions, which forms part of the Statement of Accounts year end processes.

The Interim Head of Finance and S151 Officer confirmed, that the Anti-Money Laundering Policy has been updated to more clearly define Money Laundering and reflect new legislation including the Sanctions and Anti-Money Laundering Act 2018; the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; and the Criminal Offences Act 2017. New processes for reporting suspected Money Laundering to the National Crime Agency are included and the order of the policy has been amended to provide a more logical flow to its content.

Members acknowledged the fact that the Policies were designed to keep the Authority safe from certain fraudulent activities.

In response to a question from the Cabinet Member – Future Generations and Wellbeing, the Interim Head of Finance and S151 Officer confirmed that the report had recently been considered by CMB and that Fraud Awareness training would be rolled out throughout the Council for appropriate staff.

RESOLVED: That Cabinet noted and approved the revised policies attached at Appendices A and B to the report.

317. TREASURY MANAGEMENT AND CAPITAL STRATEGIES 2019-20 ONWARDS

The Interim Head of Finance and S151 Officer submitted a report, the purpose of the report is to seek Council approval of:-

- The Treasury Management Strategy 2019-20 which includes the Treasury Management Indicators
- the Capital Strategy 2019-20 which includes the Prudential Indicators
- the Annual Minimum Revenue Provision Policy
- Updated Financial Procedure Rules for incorporation within the Constitution

The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 as amended contain detailed provisions for the capital finance and accounting controls including the use of capital receipts and what is to be treated as capital expenditure.

In December 2017, CIPFA published new editions of the Code of Practice on Treasury Management and the Prudential Code for Capital Finance in Local Authorities. Within the Prudential Code, there is a new requirement for authorities to produce a Capital Strategy that needs to be approved by Council.

The key features of the proposed Treasury Management Strategy are:-

- It is an integrated strategy where borrowing and investments are managed in accordance with best professional practice;
- The Council borrows money either to meet short term cash flow needs or to fund capital schemes within the capital programme but loans taken are not associated with particular assets;
- One of the Borrowing Objectives of the Council is maintaining an under-borrowed position which means that the underlying need to borrow for capital purposes has not fully funded with loan debt. Instead the Council has Internal Borrowed using Council reserves, balances and cash flow as a temporary measure as shown in Table 3;
- The Council is exposed to financial risks including the potential loss of invested funds and the effect on revenue of changing interest rates.

The Interim Head of Finance and S151 Officer stated that the key features of the proposed Capital Strategy are:-

- 1) To set out the long term context in which capital expenditure and investment decisions are made;
- 2) To ensure that all capital and investment plans and borrowing are prudent and sustainable;
- 3) To include the prescribed Prudential Indicators for a three year rolling programme;
- 4) To give a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services.

The principles of the Capital Strategy have been applied to the allocation of capital resources and schemes with the Capital Programme within the MTFS.

The Interim Head of Finance and S151 Officer then outlined the guiding principles of the Capital Strategy, as well as also expanding upon some of the main points of the Treasury Management Strategy (Appendix A to the report referred.)

Some of the main points of the Capital Strategy were detailed in Appendix B to the report and she directed Members to these accordingly.

The Capital Strategy also contained the Annual Minimum Revenue Provision 2019-20 and the Financial Procedure Rules (Appendix C), which had been updated to incorporate the new requirement to produce a Capital Strategy that is approved by

Council on an annual basis. Tracked changes were shown in Appendix C reflecting the changes that had been made.

The Deputy Leader confirmed that this item had recently shared with the Corporate Overview and Scrutiny Committee who had been overall supportive of the Capital Strategy going forward, other than requiring further information in respect of allocation of monies to developments under Section 106 arrangements.

The Cabinet Member – Wellbeing and Future Generations asked if Officers had any concerns or risks they had identified in respect of the Brexit outcomes.

The Interim Chief Executive confirmed that certain Cabinet Members together with himself attended a Brexit Forum meeting just yesterday, where the Authority shared with the Forum a comprehensive list of potential risks that may have to be considered depending upon the eventual outcome of Brexit. It was also planned to submit a report to a future meeting of Cabinet on the topic of Brexit and the Council's Risk Register.

RESOLVED: That Cabinet considered the report and noted that the following will be presented to Council for approval:-

- 1) the Treasury Management Strategy 2019-20 including the Treasury Management Indicators 2019-20 to 2021-22 (Appendix A to the report);
- 2) the Capital Strategy 2019-20 including the Prudential Indicators 2019-20 to 2021-22 (Appendix B);
- 3) the Annual Minimum Revenue Provision(MRP)Statement 2019-20 (Appendix B – Schedule A)
- 4) the amendments to the Financial Procedure Rules Appendix C) and consequently the updated Constitution as set out in Appendix D.

318. **LOCAL AREA ENERGY STRATEGY AND SMART ENERGY PLAN**

The Head of Operations – Community Services submitted a report, the purpose of which, was to present to and seek approval from Cabinet for the Bridgend Local Area Energy Strategy (LAES) and Smart Energy Plan.

He outlined some background information which set the scene for Members and advised that BCBC was one of 3 demonstrator local authorities in the UK selected for the Smart System Heat (SSH) programme.

The programme was divided into three phases as illustrated in paragraphs 3.4 to 3.6 of the report.

The Head of Operations – Community Services confirmed that the development of a Local Area Energy Strategy was a cornerstone of the SSH programme, and that the LAES and Smart Energy Plan offered a route to achieving the decarbonisation of heat within the BCB.

He then gave some further and technical information with regard to the above Strategy and Plan, and paragraph 4.8 of the report gave some benefits that the Smart Energy Plan would deliver. Paragraph 4.9 outlined certain projects that were considered deliverable within the Smart Energy Plan.

He concluded his submission by adding that BCBC would not in the main be funding the Strategy/Plan, referring Members to the report's financial implications which outlined further information with regard to funding avenues.

The Cabinet Member – Communities advised that the Local Area Energy Strategy contained BCBC's vision and long term goals for the long term future (2050), whilst the Smart Energy Plan contained the same, albeit for a shorter period (up to 2025).

These would enable the Authority to:-

- Decarbonise heat within the Bridgend County Borough
- Provide new job opportunities
- Attract new and existing businesses to trial initiatives within the County Borough

It was not realistic to expect Bridgend to fund and deliver all these projects.

The intention was, in respect of both Strategies, for the public and private sector to invest and create the tools, models and supply chains that can be replicated across the UK, to ensure that the UK 2050 decarbonisation targets can be met and that Bridgend can realise the economic benefits accrued from the transition within the UK energy market.

So BCBC will not fund and deliver the Smart Energy Plan, but will rather adopt the role of enabler providing the places and conditions within Bridgend County Borough that will attract private sector partners and the investment required to deliver the Smart Energy Plan.

This would result in Bridgend becoming a major force in redesigning the way that energy is produced and delivered in the future, putting the consumer at the heart of the design.

Finally, he advised that last Wednesday Bridgend County Borough hosted a conference jointly with the Energy Systems Catapult. This body set up by the Westminster Government to drive energy change forward confirmed on the day, that Bridgend was now regarded by them as a sector leader in the field and also confirmed that we are a preferred partner.

RESOLVED: That Cabinet:-

- 1) Accepted the recommendations of the Local Area Energy Strategy.
- 2) Approved the Smart Energy Plan.

319. **SCHOOL ATTENDANCE DATA**

The Corporate Director – Education and Family Support submitted a report, in order to share with Cabinet school attendance data over the academic years 2015-2106 to 2017-2018, and also to seek agreement of a proposed amendment to the Local Authority's School Attendance Strategy (2018-2021, which was previously approved by Cabinet on 15 May 2018.

By way of background information, he advised that there was proven to be a clear link between high levels of attendance and good educational attainment. In addition to this, poor attendance and late arrival at school could also have a detrimental effect on a child's learning as well as impacting upon their wellbeing.

The local authority's Attendance Strategy now also incorporated recent Welsh Government guidance on Schools' rewards systems. This guidance reinforced the

importance of schools considering the provisions of the Equality Act 2010. He added that, in particular, schools are required to ensure they do not disadvantage pupils whose attendance is negatively impacted, due to a disability or a diagnosed medical condition.

The next sections of the report outlined data in respect of:

- Primary school attendance
- Free school meal eligibility (and attendance data – Primary schools)
- Persistent absenteeism in Primary schools
- Secondary school attendance
- Free school meal eligibility (and attendance data – Secondary schools)
- Persistent absenteeism in Secondary schools
- Other similar information in respect of Primary and Secondary schools, in respect of:-
 1. Looked after children (LAC)
 2. Pupils with English as an additional language (EAL)
 3. Pupils with special educational needs (SEN) – Statemented (S) and School Action Plus (SA+)

He pointed out that attendance figures in respect of the above, were across the board above the All-Wales average levels.

Attached at Appendix A to the report was a copy of the revised local authority School Attendance Strategy for 2018-2021, which highlighted (in 13.3 of the document) the proposed amendment suggested.

The Corporate Director – Education and Family Support concluded his report by advising that a Well-being of Future Generations (Wales) Act 2015 assessment had been completed and this could be found at Appendix 2 to the report.

The Cabinet Member – Education and Regeneration was pleased to note from paragraph 13.3 of the Strategy, that schools were taking into consideration the provisions of the Equality Act 2010, and not disadvantaging those pupils with a disability or medical condition. This meant that a young person with an attendance record of less than 100% because of health reasons or other circumstances beyond the control of the individual child, should not be negatively impacted with regards to schools' rewards systems.

The Leader extended his congratulations to schools, School Welfare Officers and all the staff in the family support and early help teams for the positive results confirmed in the report, with regard to school attendance data. He noted that although the attendance at primary schools was projected to dip slightly, attendance at secondary schools was due to increase slightly.

He suggested the strategy is shared with School Governors as well as Head Teachers through the usual communication channels.

RESOLVED:

That Cabinet:

- 1) Approved the revised Local Authority Attendance Strategy 2018-2021.
- 2) Considered the School Attendance Data outlined within the report.

320. APPOINTMENT OF LOCAL AUTHORITY GOVERNORS

The Corporate Director – Education and Family Support submitted a report, the purpose of which, was to seek approval from Cabinet for the appointment of local authority governors to the school governing bodies listed at paragraphs 4.1 and 4.2 of the report.

Paragraph 4.1 of the report, confirmed that for the 8 schools in the table contained therein, all 9 applicants met the approved criteria for the appointment as local authority governors, with there being no competition for any of the vacancies. The appointed individuals for the schools so listed were also confirmed in this section of the report.

Paragraph 4.2 of the report, then confirmed that there was competition for one vacancy at one school, and the applicants were detailed in the table contained in this section of the report.

The report confirmed that Mrs Karen Jones was the successful applicant in respect of this school (Llangewydd Junior).

The Cabinet Member – Education and Regeneration, advised that perhaps the Education Department could look at maintaining forms on file of previous applications for future consideration of vacancies, as opposed to them completing a form on every occasion.

The Corporate Director – Education and Family Support confirmed that he would look into the feasibility of this request being implemented.

RESOLVED: That Cabinet approved the appointments listed in paragraphs 4.1 and 4.2 of the report.

321. SCHOOL ADMISSIONS POLICY AND ARRANGEMENTS 2020-21

The Corporate Director – Education and Family Support submitted a report, seeking Cabinet approval of the Schools Admissions Policy and Arrangements 2020-2021, appended to the report.

The report confirmed that on 15 November 2018, the Bridgend Admissions Forum agreed a draft School Admissions Policy and Arrangements for 2020-2021, as per the requirements under the School Admissions Code 2013.

Local authorities must consult each year on the admission arrangements for those schools for which they are the admission authority. The consultation period for the 2020-2021 admission policy was 11 December 2018 to 31 January 2019.

Following consultation, five representations were received from certain stakeholders that were near identical or identical and these were detailed in Table 1 of the report, with the next section of the report outlining the responses to such consultation representations.

The next part of the report gave information with regard to Published Admission Numbers (PAN) at schools, and Table 2 in the report confirmed amendments to PAN for the year 2020-2021 at Mynydd Cynffig and Oldcastle Primary Schools.

The Corporate Director – Education and Family Support, added that an increase of PAN in both schools had been assessed as being achievable, with such an increase benefiting the local authority, schools and parents, particularly as the changes would result in additional places for pupils in both schools.

He then referred to the report's financial implications, advising that the funding for the LRC would be allocated through the mainstream school's delegated budget, via the school's formula allocation, and using a combination of a class allocation and the age-weighted pupil unit (AWPU) element.

Funding levels would be derived from notional current staffing needs and are based on the salary of a teacher and two support staff. One-off funding for the set-up costs would be £10k.

As part of the Medium-Term Financial Strategy budget setting process for 2017-2018, a total of £263k was allocated under budget pressures to establish additional LRCs for pupils with ASD in both Welsh-medium and English-medium schools with effect from the academic year 2017-2018. This was further supplemented in the 2018-2019 budget-setting process by an additional £51k to meet the full year effect of the previous budget pressure application. These allocations will be used to fund the LRC, including the set up costs, at Ysgol Gynradd Gymraeg Calon y Cymoedd, should the proposal go ahead.

The Cabinet Member – Education and Regeneration confirmed that when he and the Corporate Director – Education and Family Support visited schools, part of their visit entailed looking at the level of support that was required there for pupils with this type of need.

The Leader added that the school subject of the report, was the first Welsh medium Primary School in the County Borough that would accommodate an LRC for children with autism. He further added that he was also very pleased with the very positive response received from pupils, parents, staff and governors in the consultation.

He concluded debate on the item by stating that a similar specialist provision would be available for the same pupils, upon reaching secondary level age at Ysgol Gyfun Gymraeg Llangynwyd.

RESOLVED: That Cabinet:-

- (1) Noted the outcome of the consultation with interested parties as detailed in the Consultation Report attached to the covering report (Appendix 1 to the report.)
- (2) Approved the Consultation Report for publication.
- (3) Authorised the publication of a Statutory Public Notice on the proposal.

323. PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS (ALN) - CHANGES TO BETWS PRIMARY SCHOOL

The Corporate Director – Education and Family Support presented a report, which informed Cabinet of the outcome of the consultation on the proposal to cease the local authority (LA) nurture provision at Betws Primary School.

He confirmed that in order to progress a proposal to cease the local authority nurture provision at Betws primary School, consultation exercises were carried out in a period between November and December 2018, with staff, governors, parents and pupils of Betws Primary School and also the wider community, in accordance with the Statutory School Organisation Code.

Attached to the report at Appendix 1 was a Consultation Report, and the Corporate Director – Education and Family Support picked out the salient points of this for the benefit of Members. He added that there had been no objections to the reports proposal.

He then referred to the reports financial implications, that confirmed that there are projected full-year savings of £51,378 from the closure of the LA nurture provision at Betws Primary School. This will be re-allocated within the primary schools' Individual Schools Budget (ISB).

As a result of the closure, the funding of the senior support officer (SSO) at Betws Primary School Nurture Provision will be used to support the finance required for the introduction of foundation phase at The Bridge. There are no redundancy costs associated with this proposal.

The Corporate Director – Education and Family Support added that the result of the Estyn follow-up visit after they had previously conducted an inspection of The Bridge, was very good and made for positive reading.

The Leader and Cabinet Member – Education and Regeneration both conveyed their congratulations to staff at The Bridge for their hard work that contributed to a positive follow-up Inspection, stating that this was a very good achievement given that the young people supported there had complex needs. The Estyn feedback also gave reassurance that the Bridge was well placed to offer the proposed foundation phase provision.

RESOLVED: That Cabinet:

- 1) Noted the outcome of the consultation with interested parties, as detailed in the Consultation Report attached to the main covering report.
- 2) Approved the Consultation Report for publication.
- 3) Authorised the publication of a Statutory Public Notice on the proposal.

324. FORWARD WORK PROGRAMME

The Head of Legal and Regulatory Services submitted a report, the purpose of which, was to seek Cabinet approval for items to be included on the Forward Work Programme for the period 1 April to 31 July 2019.

The proposed Forward Work Programmes were described in paragraph 4.1 of the report, as follows:-

- Cabinet 1 April to 31 July 2019 – Appendix 1
- Council 1 April to 31 July 2019 – Appendix 2
- Overview and Scrutiny – Appendix 3

It was intended that following consideration by Cabinet, the Forward Work Programme would be published on 18 March 2019.

Translation costs of approximately £60 for each quarterly update of the Forward Work Programme would be required when it is published on the Bridgend County Borough Council website. These would be met from within existing budgets.

RESOLVED: That Cabinet:-

- (1) Approved the Cabinet Forward Work Programme for the period 1 April to 31 July 2019, as shown at Appendix 1 to the report.
- (2) Noted the Council and Scrutiny Forward Work Programme as shown at Appendix 2 and 3 of the report, respectively.

325. INFORMATION REPORT FOR NOTING

The Head of Legal and Regulatory Services presented a report, that informed Cabinet of the Information Report for noting published since its last meeting.

This report was attached to the covering report, and is entitled 'Amendment to the School Admissions Policy and Arrangements 2019-2020.'

RESOLVED: That Cabinet acknowledged the publication of the document listed in the report.

326. URGENT ITEMS

None.

327. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraphs 14 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test in consideration of this item, it was resolved that pursuant to the Act referred to above, it be considered in private, with the public being excluded from the meeting as it would involve the disclosure of exempt information of the nature as stated above

328. BRIDGEND SHARED LIVES SCHEME - PROPOSAL FOR FUTURE DELIVERY ARRANGEMENTS

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE INTERIM CHIEF EXECUTIVE

BREXIT UPDATE AND RISK REGISTER

1. Purpose of report

- 1.1 The purpose of this report is to brief Cabinet on the potential impact of Brexit on the Council, to update Cabinet on the preparations being undertaken within the Council and to help inform future Council decision making.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:
- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
 - Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
 - Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 Following the majority vote to leave in the United Kingdom European Union membership referendum on 23 June 2016, the UK government has been working towards departure from the European Union (EU) on 29 March 2019.
- 3.2 The Withdrawal Act 2018 provided for all EU law to be brought into UK law to ensure that there was legal certainty for businesses and residents. The Withdrawal Act is now law and this legal certainty remains in place under No Deal.
- 3.3 UK Government has sought to secure a deal (the Withdrawal Agreement) with the EU that covers its forward relationship, level of participation with the EU's Single Market and Customs Union.
- 3.4 A withdrawal agreement would also ensure that the risks of a No Deal Brexit are mitigated by a transition period that would ensure current day to day dealings continue until December 2020.

- 3.5 There is currently no deal in place and therefore little clarity exists on the exact impact this will have on the Council and wider Bridgend County Borough.
- 3.6 Following the rejection of the UK Government's deal by the House of Commons on 12 March, a further vote will take place on 13 March to decide whether to block the UK from leaving the EU without a deal.
- 3.7 If a No Deal scenario is rejected, another vote will be held on 14 March on whether to extend Article 50, thereby delaying the UK's withdrawal from the EU. The UK Government would still need to request an extension from the EU following this vote.
- 3.8 At the time of drafting this report, the default position remains that the UK will leave the EU in 16 days time on the 29 March.
- 3.9 UK government has issued a series of technical notices to prepare for a 'No Deal' Brexit to ensure organisations, businesses and citizens understand what they would need to do in a 'no deal' scenario, supporting informed plans and preparations. The Local Government Association (LGA) has set out a document which groups advice into three categories: those which have a direct impact on councils; those which could have a secondary impact and those which appear to have no immediate impact on councils. The link to this document is included in the list of background documents.

4. Current Situation

Implications and Preparation for Brexit

- 4.1 The Council has established an internal cross-directorate Brexit Forum, chaired by the interim Chief Executive Officer, to explore the potential impact of Brexit on service delivery along with actions to mitigate against risks. The Forum will also explore any potential opportunities that might arise from Brexit.
- 4.2 A risk assessment has been developed and is included here as **Appendix A**. Content has been informed by service area leads working within the Forum and draws also on our collaborative work with both local authorities across Wales and other key partners.
- 4.3 It should be noted that the risk assessment is very much a live document, and provides a snapshot of work at a specific time. The assessment continues to be further developed and is reviewed formally at each meeting of the Brexit Forum.
- 4.4 The cross-cutting nature of Brexit means that there are multiple implications for the Council across a range of council services. Key areas covered within the risk assessment include legal, workforce, supply chains, finance including funding, emergency planning, social care, education, economy and community cohesion.
- 4.5 Given the high level of uncertainty around the UK's withdrawal from the EU, in considering the potential implications to Council, we have had to focus on the immediate and short term risks. These impact at a greater level on service areas such as legal, regulatory and regeneration. This does not mean that the medium

and longer term implications of Brexit are not being considered by all service areas. The wider implications of Brexit continue to be explored with action plans developed as more detail is made available.

- 4.6 Effective communication at this stage in the Brexit process is a critical element of the Council's response to Brexit and we are co-ordinating a series of actions that include the dissemination of internal messages to ensure staff are kept informed of developments, the development of a Brexit webpage to ensure organisations, businesses and residents across the county borough have easy access to information and also the dissemination of key UK and WG messages via our social media channels and stakeholder groups.
- 4.7 The Brexit Forum's work has been supported by regular updates from the Welsh Local Government Association (WLGGA) and their Brexit Transition Programme, funded via the Welsh Government's EU Transition Fund. Updates are disseminated via the Brexit leads, Councillor Charles Smith, Councillor Richard Young, the Interim Chief Executive Officer and the Regeneration Funding and Regional Engagement Team Leader.
- 4.8 The Brexit Preparedness Toolkit, produced by the WLGGA in partnership with Grant Thornton, as part of their Brexit Transition Support Programme, has proven a useful aid in our work to understand the potential risks and opportunities that Brexit poses.

5. Effect upon policy framework and procedure rules

- 5.1 This report will have no direct effect on the Policy Framework & Procedure Rules.

6. Equality Impact Assessment

- 6.1 There are no direct equality implications of this report. Once there is clarity on the nature and conditions of the UK's withdrawal from the European Union, the Equality implications across the Council's service delivery will need to be considered.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 This will be need to be considered once there is clarity on the nature and conditions of the UK's withdrawal from the European Union.

8. Financial implications

- 8.1 The full financial implications of Brexit will need to be considered once there is clarity on the nature and conditions of the UK's withdrawal from the European Union.

9. Recommendation

Cabinet is recommended to:

- 9.1 note the work being undertaken by the Brexit Forum;
- 9.2 consider the content of the risk assessment document, and

9.3 receive further briefings as the detail on the implications of Brexit become clearer.

Mark Shephard
Interim Chief Executive
28th February 2019

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Background documents:

1. Link to the LGA 'No Deal' - Council Key Changes document that sets out summary detail on the UK government technical notices.
https://www.local.gov.uk/sites/default/files/documents/Appendix%20-%20No%20Deal%20-%20Key%20Changes%20for%20Councils_19%20February%202019.pdf

Brexit Risk Assessment 2019-20

Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
1	powers, currently implemented under EU law by all Welsh local authorities, may be withheld from WG by HMG under the EU Withdrawal Bill.	This introduces legal uncertainties for the delivery of our service areas. How long will they be withheld? Will all areas currently covered by EU law be treated in a similar manner?	1	1	2	Treat	Note and monitor developments. Engage with WLGA events (for example Environment 25th September, Public Protection 17th October) and other regional/national advisory bodies. Continue to engage with specific service discussions at a local, regional and national level.	Head of Legal & regulatory Services	27/03/2019				All	
2	the legislative basis for some of the Council's scheme of delegations will change from EU to UK or Welsh law.	The schemes of delegation will need to be updated to reflect amended legislative	5	2	10	Treat	Monitor legislative changes and associated changes that will be need to the scheme of delegation	Head of Legal & regulatory Services	27/03/2019				All	
3	the rules concerning state aid and procurement becomes uncertain because they are governed by the EU.	Impact on existing contractual arrangements	5	2	10	Treat	Monitor changes in legislation and link in with relevant forums and regional and national bodies.	Head of Legal & regulatory Services	27/03/2019				All	
4	ability to access required data could be disrupted in the event of a "No Deal" Brexit	Impact on functions or services that rely on data stored or processed in an EU or EEA Member State	1	1	2	Treat	Keep under review and follow Information Commissioner's guidance. No direct transfers of personal data between BCBC and any EU member state have been identified at this time.	Head of Legal & regulatory Services	27/03/2019		1	1	2	All

IDENTIFIED RISK						ACTION PLAN						Corporate Priority		
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			
			Li	Im	Total						Li		Im	Total
5	the rules concerning Environmental Health and Trading Standards become uncertain because they are governed by the EU.	in the event of no deal there is a breakdown in regulatory control leading to consumer uncertainty and potential shortages of products and goods. Potential public health implications linked to the above as well as economic loss due to business uncertainty and lack of ability to import and export products to and from the EU	3	5	15	Treat	<p>Authorisations are being amended to take account of the many changes to UL legislation that are taking place as a result of legislation that are taking place as a result of the EU Withdrawl Act 2018 and to be sure that officers will continue to be able to regulate businesses post Brexit.</p> <p>Reviewing capability to provide export certificates to businesses where required following Brexit.</p> <p>Offices are attending briefing and training sessions across the range of Trading Standards and Environmental Health disciplines to ensure that they contribute to debate and are kept informed of the latest Regulatory Brexit implications.</p> <p>Offices within the service are contributing at a national and UL level to Brexit preparedness planning.</p>	Head of Shared Regulatory Services	27/03/2019		3	4	12	
6	there is a lack of clarity about the council's role as Porthcawl Harbour Authority	<p>The council may have to monitor passports for visiting vessels in the event of a no deal Brexit.</p> <p>Correspondence from the Department for Environment & Rural Affairs indicates a potential for the LA to play a role ensuring produce from commercial fishing vessels is traceable.</p>	3	2	6	Treat	<p>Monitor developments in relation to potential expectations to monitor passports for visiting vessels in the event of a "no deal" Brexit.</p> <p>Swansea Bay Port Health Authority are responsible for regulating activities linked to commercial fishing. The SRS are in contact with SBPHA and they have advised that they are liaising with the business that lands catches at Porthcawl. The catch is currently taken to action in Plymouth and then to the EU and it is unclear at this stage where any additional certification may need to originate. The SRS will feedback as this becomes clear.</p> <p>Keep staff and commercial fishermen updated with developments and give them the opportunity to highlight any concerns.</p>	Harbour Master	Jun-2019	Apr-2019	3	2	6	Supporting a successful economy

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IDENTIFIED RISK						ACTION PLAN					Corporate Priority				
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when		Residual risk score			
			Li	Im	Total							Li	Im	Total	
7	the Council could lose access to EU funding programmes and the value and eligibility conditions of any replacement funding are unclear	<p>Uncertainty about the availability of future regeneration funding programmes.</p> <p>Impact on the Council's ability to effectively plan forward work programme.</p> <p>Increased pressure on capital programme.</p>	5	4	20	Treat	<p>Prepare and seek to influence developments where possible, respond to consultations and continue to work through local, regional, national and political channels. Link with WLGA, RET.</p> <p>Engage in discussion with UK Government about hared prosperity Fund.</p> <p>Engage in discussion with Welsh Government on future regional investment in Wales.</p> <p>The Council has: a) Supported European Territorial Cooperation 10 Reasons why the UK should participate lobbying paper b) Responded to WG Regional Investment in Wales after Brexit consultation c) Responded to the WLGA Call for Evidence Spring 2017</p> <p>Bridgend Local Action Group responded to WG "Brexit and our land " consultation.</p>	Regeneration Funding and Regional Engagement Team Leader	27/03/2019			5	4	20	All

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IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
8	the Council will lose funding for existing EU funded projects should they fail to deliver to profile and/or be depended on HMT Guarantee.	Additional pressure on service budgets. Projects may have to close early with potential implications of service loss and negative publicity.	2	3	6	Treat	HMT Guarantee re-affirmed by WEFO on 23 August 2018. Prepare and influence where possible, working through local, regional, national and political channels. Link with WLGA, RET Continue close monitoring of 'live' projects. Continue to monitor arrangements for the delivery of HMT Guarantee	Regeneration Funding and Regional Engagement Team Leader	27/03/2019				All	
9	there will be no replacement ESF employability programme once the current 13-20 programme ends.	This could undermine the Local Authority's position as lead on employability within the County Borough resulting in less cohesive delivery. The loss of employability support for the most vulnerable would impact on the council's ability to support a successful economy and help people to be self-reliant.	5	3	15	Treat	Prepare and influence where possible, working through local, regional, national and political channels. Monitor WG moves to support employability in Wales and alternative funding streams. Link with WLGA, RET, CCR Skills Partnership and CCR City Deal working groups	Employability Programme Manager	27/03/2019				Supporting a Successful Economy Helping to be more self reliant	
10	there will be no replacement funds when the EU/WG funded LEADER programme ends in December 2020.	This will impact on the Council's ability to offer direct support to rural communities including the provision of non-statutory services and current expertise in rural development will be lost.	5	3	15	Treat	Monitor developments including potential extensions. Explore bridging options should funding end in December 2020.	Rural Development Manager	31/05/2019 Jan 2020	December 2020 December 2020	4 3	3 3	12 12	All

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
11	there will be an economic downturn and continued austerity	<p>Uncertainty on economy with a weakening domestic economic growth because demand and supply within the UK economy will take a shock.</p> <p>Unknown impact on Interest Rates and Inflation</p> <p>Large influx of changes and new Council Tax Reduction Scheme claims may cause a capacity issue</p> <p>Bad debts may increase and income from fees and charges may reduce.</p>	4	3	12	Treat	<p>£200,000 Earmarked Reserve established.</p> <p>Regular updates from Treasury Management Advisors on changes to interest rates, credit ratings and corrective action taken. The loans and investment portfolio will be managed on a balanced basis.</p> <p>Contracts will be checked to see if they are index linked to inflation.</p> <p>Ensuring that there is an adequate impairment provision for bad or doubtful debts.</p>	Group Manager Chief Accountant	27/03/2019	Quarterly monitoring of revenue budgets for fees and charges and other income sources in line with Report to Cabinet timetable	4	2	8	Supporting a Successful Economy
12	Additional Emergency Planning - requiring liaison with partner agencies and contingency preparedness at the LRF level, specifically for Brexit impacts	Resources diverted to working specifically on Brexit related issues with partner agencies.	3	5	15	Treat	<p>Attendance at All Wales Strategic Brexit Workshop.</p> <p>Take part in tests of contactability of strategic officers and tactical commanders.</p> <p>LRF will be running a mini strategic/tactical course to train more gold commanders (this will be a shortened version of the usual two day course)</p> <p>Emergency planning officers feeding in to South Wales Resilience Team (SWRT)</p>	Strategic/Gold Commanders	<p>Feb</p> <p>Feb</p> <p>Unknown</p> <p>Current</p>	<p>Attendance at Brexit workshop/Exercise -Complete.</p> <p>Contactability tests - 2 completed in Feb, 1 outstanding in next few weeks (date unknown).</p> <p>LRF Mini strategic/tactical - waiting on LRF</p> <p>EP Officers feed any info into SWRT - ongoing</p>				All

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IDENTIFIED RISK						ACTION PLAN									
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority	
			Li	Im	Total						Li	Im	Total		
13	supplies and resources may be disrupted	Supply chain disruption and contractual risk Increased costs Possible delays	5	5	25	Treat	Consider supply chains as part of service continuity planning, following guidelines from WG. Consider whether a pan-Wales or regional approach could be developed across local authorities – raise with WLGA	All Heads of Service	27/03/2019	Ongoing	5	5	25	All	
14	There will be limited access or delays to overseas markets for receiving waste exports	1. The British market could be flooded with additional recyclates, which could devalue the products or tariffs could be imposed on waste exports to EU which increases disposal costs. 2. Haulage or movements of material could be affected and may cause greater on-site storage or slow movement of materials.	3	4	12	Treat	Investigate and liaise with Kier over contingency arrangements. The council's waste contractor has limited overseas contracts. (0.01% in 2017/18) Kier's waste processing contracts are already in place. Kier have been advised to reduce stock at the end of March to create greater on-site storage capacity.	Cleaner Streets and Waste Contract Manager	27/03/2019			2	4	8	Smarter use of resources
15	there will be a loss of employees who are non UK EU citizens	This may affect the Council's ability to commission services from the private sector	3	3	9	Treat	Ongoing discussions with WLGA, CCR Skills Boards and Welsh Government	All	27/03/2019					Smarter use of resources	
16	due to the impact of the EU settlement scheme on all workforce sectors (particularly health and retail), there will be a workforce shortage in the social care sector	A workforce shortage/gap in the health and retail sectors will result in those sectors recruiting staff from the care sector, which will impact on our ability to meet individual's assessed needs, and increase waiting times for services	3	4	12	Transfer	For internal services, non-UK EU staff members are being identified - which we are in the process of validating with relevant team managers For commissioned services, providers have been asked to identify any non-UK EU staff to help understand the wider risk implications. For health services, BCBC officers are in contact with colleagues in ABMU/Cwm Taf Health Boards to understand the potential impact there	Group Manager Commissioning Contracts and Contract Management	27/03/2019	31/12/2020		2	3	6	Helping to be more self-reliant

Brexit Risk Assessment 2019-20

Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
17	there will be a skills shortage as non UK EU citizens leave the Council's employment	There is no complete data set immediately available on the number of non-UK EU workers employed within the Council. However based on information available it is not anticipated that Brexit will have a major impact on the overall numbers of staff directly employed.	1	1	2	Treat	Investigate and explore options to collect workforce data on non UK EU nationals. Internal comms to raise staff awareness Support staff to achieve settled or pre settled status through the EU Settlement Scheme Plan and link in with information events, such as the regional Home Office session (in association with WLGA/WCVA) in Cardiff on 20th September, WLGA updates	Group Manager Human Resources and Organisational development	29/03/2019				Smarter use of resources	
18	the electoral roll will be inaccurate as from 30 March non UK EU citizens can no longer take part in local elections	Any election undertaken would be open to challenge / petition from a candidate which would mean a hearing at the High Court in London and the possibility of the election having to be re-run at our cost (c£5k - £12K).	4	3	12	Treat	Keep a watching brief and continue to monitor information from Electoral Commission. EU27 nationals can be identified and removed from the electoral register if required.	Group Manager Business Support Unit and Electoral and Emergency Planning Services team Manager	31/05/2019		1	3	3	Smarter use of resources
19	demand for services will increase if Brexit results in a downturn in the economy and increased poverty	Additional pressure on budgets and service delivery.	3	4	12	Treat	Monitor developments across all service delivery and report into Brexit Forum.	All	29/03/2019				All	
20	there will be a downturn in the economy and that there will be increased demand for the Council to support a large scale redundancy response team.	Impact on resources. It will require more Economy Team officer time to be allocated to this area at the expense of dealing with other areas of work.	4	2	8	Treat	Partnership model recently re-established as a result of Ford redundancy announcements. The redundancy response team will provide a co-ordinated approach in assisting those companies and employees that might be impacted. BCBC; DWP/JCP; Business Wales; Careers Wales; Welsh Government will combine resources in order to deliver a comprehensive package of redundancy support.	Group Manager Economy Natural resources and Sustainability	June 2019	Dec-2020	4	2	8	Supporting a successful economy

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Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN						Corporate Priority		
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			
			Li	Im	Total						Li		Im	Total
21	local businesses will have a lack of awareness about the implications of Brexit	The sustainability of the local economy will be impacted. Bridgend has a high proportion of employment in both manufacturing and motor trades. These sectors are identified 'most at risk' by Welsh Government	4	2	8	Treat /Transfer some aspects of the risk onto a third party – Business Wales	Investigate and Plan Disseminate information, as it becomes available, through existing networks including the Bridgend Business Forum, reach Local Action Group and Porthcawl Harbour Master re. commercial fishing Information about the Business Wales Brexit Portal and other Brexit business advice has been regularly shared in enews and will be included in every issue until Brexit and beyond. Information disseminated on Business Wales Brexit briefing sessions. Relevant information to be shared via wider Council avenues e.g BCBC corporate twitter account.	Group Manager Economy Natural resources and Sustainability	June 2019	Dec-2020	4	2	8	Supporting a successful economy
22	workloads will increase due to preparation for Brexit	Impact across service delivery areas due to a need to dedicate resource to Brexit preparations.	5	3	15	Treat	Plan a) Brexit overview leads have been identified b) Explore option to establish small working group. • Brexit Forum now established, chaired by Interim Chief Executive with all service areas represented. c) Invite WLGA to deliver a briefing at a future Cabinet/CMB meeting. • WLGA delivered briefing to Council on 15th March 2018.	Interim Chief Executive	27/03/2019				All	
23	existing partnerships and collaborative arrangements will be impacted	Focus on Brexit related matters may require a review of agreed short term priority actions. Potential call for additional resource.	4	3	12	Treat	Investigate, including discussion with LRF, PSB Brexit will be on the agenda for PSB sub board chairs meeting on 11 March	Interim Chief Executive	27/03/2019				All	

Brexit Risk Assessment 2019-20

Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
24	workloads will go up due to an increased number of enquiries from the public	Additional pressure on service delivery	3	1	3	Treat	Plan Discuss with Customer Focus Wales Group	Head of Performance and Partnership Services	27/03/2019				Smarter use of resources	
25	there may be an increase in tensions in Communities and a rise in the far right	Compromise ability to deliver the Community Safety Strategy. Not enough capacity to respond to increase in ASB and hate crime. Increase referrals to Channel Panel	4	3	12	Treat	Community Safety partnership are leading on work including: a) Application to WG Community Cohesion Brexit Grant for additional resource (local officer to identify tensions) as part of the Western Bay Region. B) Community cohesion project (April'19-March'21)	Partnerships Co-Ordinator	27/03/2019				All	
26	It may not be possible to manage internal and external communications effectively due to Brexit uncertainty and availability of information	Effective communications will be a critical element of the Council's response to Brexit. Wider external communications should support the dissemination of key Welsh and UK Government messages for business and the wider community.	1	5	5	Treat	Monitor developments and updates from WG and UK Government Develop appropriate communications to manage expectations of council's role and offer reassurance	Communications Manager	27/03/2019				All	

Brexit Risk Assessment 2019-20

Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
27	the EU subsidy for school milk may change. The existing framework for the scheme will be rolled over into UK law under the EU (Withdrawal) Act and legislation has been passed in Parliament to ensure the Scheme can continue after Brexit - regardless of the outcome of EU negotiations. However, policy on school milk is devolved to WG.	Impact on budget	3	3	9	Treat	Monitor developments and seek clarity from WG regarding future policy on this scheme in Wales.	Corporate Director Education and family Support	01/07/2019	01/03/2020	2	3	6	Smarter use of resources
28	modern language provision may be negatively impacted	Impact on education provision: Pupils may be discouraged from learning languages Reduced authentic learning experiences for pupils if foreign language assistants are discouraged from working in the UK	3	3	12	Treat	Monitor developments and seek clarity from schools with regard to the uptake of languages and changes to the number of European assistants working in schools. To mitigate risk, encourage schools to seek out online connections to schools in Europe and to emphasise the value attached to learning languages.	Corporate Director Education and family Support	01/12/2019	01/07/2020	2	3	6	Supporting a successful economy
29	there may be fewer enrichment activities for schools linked to town twinning	Impact on educational opportunities	3	3	9	Treat	Monitor developments and seek clarity from schools regarding current activity and any changes to school visits or activities post-Brexit. To mitigate risk, encourage schools to seek out/maintain online connections to schools in Europe and beyond.	Corporate Director Education and family Support	01/12/2019	01/07/2020	2	3	6	Supporting a successful economy

Brexit Risk Assessment 2019-20

Last modified: 06/03/19

IDENTIFIED RISK						ACTION PLAN								
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when	Action completed by when	Residual risk score			Corporate Priority
			Li	Im	Total						Li	Im	Total	
30	there may be fewer non UK EU pupils for whom English is an additional language (EAL) moving to Bridgend County Borough or an increase in the number leaving	Impact on levels of EAL support required for pupils and their families. Impact on budget with regard to the EAL grant received by schools, especially St Mary's Catholic Primary School where there are currently 40.3% EAL pupils in the school.	4	4	16	Treat	Monitor developments and seek clarity from school census details about the number of EAL pupils in schools who require EAL support and for whom the school is eligible for EAL grant money.	Corporate Director Education and family Support	Next census Jan 2020	01/03/2020	3	3	9	Supporting a successful economy Smarter use of resources
31	the administration of the EU settlement scheme for Looked After Children will become uncertain. WLGA and Welsh Government are still working with the Home Office to establish LA responsibilities regarding Settlement Scheme applications for looked after children.	Potential resource and capacity issues	3	1	3	Treat	Identification and validation of those who may require assistance in respect of the EU settlement scheme is being undertaken - estimated to be very low numbers. Monitor developments and provide support in accordance with requirements	Head of Children's Social Care	27-Mar-19	31/12/2020	1	1	1	Helping to be more self-reliant
32	the administration of EU Settlement Scheme for individuals in the Council's social care services will become uncertain	Potential resource and capacity issues	3	1	3	Treat	Identification and validation of those who may require assistance in respect of the EU settlement scheme is being undertaken - estimated to be very low numbers. Monitor developments and provide support in accordance with requirements	Group Manager Commissioning Contracts and Contract Management	27/03/2019	31/12/2020	1	1	1	Helping to be more self-reliant

IDENTIFIED RISK					ACTION PLAN					Corporate Priority				
No.	There is a risk that..	Consequences of risk	Raw risk score			Control method	Key actions to be established	who	Reviewed by when		Action completed by when	Residual risk score		
			Li	Im	Total							Li	Im	Total
33	Provision of Food to Schools and Care Homes will be disrupted by Brext	<ul style="list-style-type: none"> Supply disruptions. – likely in all cases but particularly in respect of a ‘no-deal’ Brexit. Possible impacts range from sterling’s exchange rate volatility to export certification challenges. Border delays are possible in all cases, but particularly in respect of a no-deal scenario. Delays for imports and exports at ports, including at the Ireland/NI border, are a strong probability in the event of ‘no-deal’. This increases the likelihood for Fresh Produce to spoil, thus creating shortages and spiralling price increases for this food category.. Warehouse space is limited. Food companies across the UK have been stockpiling food and ingredients- no additional capacity nationwide remaining Freight logistics may be affected. Depending on the deal or no-deal, there might be a problem of licences for hauliers and logistics 	5	5	25	Treat /Transfer some aspects of the risk onto the Suppliers to manage their Supply chain	Transfer - Incumbent Suppliers have been engaged with to check on their preparations for Brexit . All confirmed they had considered the risk to their supply chains, and had identified where (if at all) they anticipated issues covering the following - 1 - What contingency plans have been made to provide an alternative to the products currently imported from the EU. 2- What contingency plans have been applied/requested from your 2nd tier suppliers in terms of their buying ingredients/packaging from a UK Trader/Importer . Treat- BCBC Catering for schools - stock piling 6 weeks of Dry/Ambient Goods. Treat - Procurement working with Legal to create Contractual Brexit express terms (relating to the specs and food safety) stating that they shall not be prejudiced or diminished by the UK leaving the EU. and an additional clause to review pricing, given the potential for new import tariffs, VAT changes and other costs of trading to	Head Legal and Regulatory Services.	27/03/2019	Ongoing	5	5	25	Smarter use of resources

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE INTERIM CHIEF EXECUTIVE

SUSPENSION OF CONTRACT PROCEDURE RULES AND AWARD OF CONTRACTS IN RESPECT OF THE CORPORATE LANDLORD SERVICE

1. Purpose of Report

The purpose of the report is to:

- Seek approval to award a contract with regard to interim management arrangements and consultancy support for the Corporate Landlord Service within the Communities Directorate;
- Suspend the relevant parts of the Council's Contract Procedure Rules [CPRs] in respect of the requirement to re-tender the current contracts that have been procured for these services;
- Authorise the Interim Chief Executive to enter into contracts with the existing provider for a further period of eighteen months under revised terms.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The renewal of short term contracts in the Corporate Landlord Service supports the delivery of Corporate Priorities of:

- Supporting a successful economy
- Smarter use of Resources
- Helping people to be more self-reliant

In particular it will help successfully deliver the savings target in the Medium Term Financial strategy of £ 350,000 for 2020/21 and ensure the full implementation and establishment of the Corporate Landlord model across the whole of the Council's estate as part of a managed transformation programme.

3. Background

3.1 Peopletoo Limited have been working in partnership with the Council over the last 18 months to transform Built Environment services, and help the Council move towards an integrated Corporate Landlord service. The Council continues to have to balance achieving its corporate priorities and meeting the needs of the community against on-going financial challenges, and consequently has to consider what further efficiencies and savings could be made through the Corporate Landlord service, ideally without reducing frontline services or negatively impacting on social value.

3.2 The Council and Peopletoo have successfully worked together over the last eighteen months to achieve measurable improvements. The Council now

has a single integrated team responsible for all property related requirements. Annual savings of circa £500,000 have already been achieved, along with significant added value and avoided cost. Quality improvements have been made across the board, including a noticeable improvement on asset compliance and customer satisfaction. The Council is able to demonstrate therefore a strong return on investment since Peopletoo were originally commissioned on a consultancy basis through a competitive procurement process.

- 3.3 In addition the Council has also separately procured Peopletoo through a competitive procurement process to provide an Interim Manager for the Corporate Landlord service for the last 14 months. The Interim Manager now has a good understanding of the service, the wider Council and the key risks and issues within the service.
- 3.4 The Council has attempted on three separate occasions to appoint a permanent replacement for the Interim Manager but has been unable to successfully make an appointment of someone of the right calibre and senior manager leadership skills. The contract period for the consultancy service from Peopletoo has now ended and the contract for the Interim Management position is also due to have been concluded, but without identifying a viable alternative solution there is a serious risk of leaving the Corporate Landlord service without senior leadership at a time when there remain many financial and operational challenges. This is compounded further following the recent Communities Directorate Senior Management restructure with the resulting loss of one Head of Service post and the current Corporate Director Communities appointed to the Interim Chief Executive role. This has further reduced the level of senior management support available to the Corporate Landlord service. There is a risk therefore that the loss of continuity of senior management support in the Corporate Landlord service may prevent the delivery of further savings identified in the MTFS and indeed the service may even take a step backwards and undo some of the investment in positive change over the last eighteen months.

4. Current Situation / Proposal

- 4.1 The proposal therefore is to build on the strong platform that has been established to drive further efficiencies and launch additional improvement projects. Peopletoo would be appointed for up to a further eighteen month period to manage implementation and take accountability for the delivery of these new initiatives, working closely with existing teams, to secure the financial and performance outcomes required, in addition to taking over direct management for the service area for this period, through the provision of an Interim Manager and any other support required, essentially a fixed term management service solution. At the end of this period the Council will receive a stable, strong service and have delivered the additional significant savings. An important part of the new commission would be that a full time permanent Corporate Landlord Manager is appointed before the end of the Peopletoo commission to ensure a smooth transition period. The proposal would also have the benefit of freeing up other senior management resource to other corporate priorities during a period where the Council is facing some uncertainty due to the interim nature of some its senior management posts.

- 4.2 The detail of the new contract combining interim management with consultancy support would be on the basis of Peopletoo guaranteeing delivery of savings in excess of those identified in the MTFS. These could come from a number of areas but are likely to be focused on a shift to planned preventative maintenance, improved procurement and commissioning of services, soft facilities management efficiencies, better use of technology, improved productivity and potentially further energy savings. Peopletoo believe there is significant scope for further financial improvement, albeit further work will be required to ascertain the cashability of the savings. Peopletoo have committed however to underwrite a minimum £500,000 net cashable saving if the Council chooses to pursue this commission. This level of commitment to financial savings will ensure that the £350,000 currently identified in the MTFS for 2020/21 will be more than adequately covered and potentially offer opportunities for further savings to be identified.
- 4.3 On balance Peopletoo's knowledge of the service and working relationship with the Council and the specialist nature of the services required, means that an open competitive procurement or an appointment from the relevant framework would not be suitable in these circumstances. This will therefore require suspension of the relevant Contract Procedure rules to allow Peopletoo to be appointed. If Cabinet is content in principle with this proposal it will be translated into a clear specification with agreed deliverables and timescales.
- 4.4 Cabinet needs to be aware that by entering into these short-term contracts with the Peopletoo, the Council is exposed to the risk of potential challenge from other providers of such services.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs is being sought.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report

7. Financial Implications

- 7.1 The total cost payable to Peopletoo for the proposed new eighteen month contract period would be between £300-350,000. However, it is important to note that at the end of this period the Council would be benefitting from an additional £500,000 per annum revenue savings. In addition it will have avoided salary costs of over £100,000. The net cost from this transformational proposal is therefore a positive; that is the Council is not paying out any more than it is saving each year and will always be in positive cashflow as the project will have saved more than it cost.
- 7.2 It is proposed that Peopletoo will be commissioned using change management reserve funding, linked to identified MTFS savings, and subject to Cabinet approval of this report a business case submission will be made to Corporate Management Board for approval on that basis.

8. Recommendation

8.1 It is recommended that Cabinet:

- Suspend the relevant parts of the Council's CPRs in respect of the requirement to re-tender the contracts for Interim Management and consultancy support for the Corporate Landlord service;
- Authorise the Interim Chief Executive to enter into the contract with Peopletoo for a further eighteen month period

Mark Shephard
Interim Chief Executive

March 2019

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Background Documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE INTERIM CHIEF EXECUTIVE

TRANSITION OF REGIONAL COLLABORATIVE COMMITTEE IN RESPECT OF THE SUPPORTING PEOPLE PROGRAMME

1.0 Purpose of report

1.1 The purpose of this report is to:

- Seek approval to formally withdraw from the Western Bay Regional Collaborative Committee;
- Seek approval to formally join the Cwm Taf Regional Collaborative Committee;
- Nominate and appoint a Cabinet Member to the Cwm Taf Regional Collaborative Committee.

2.0 Connection to corporate improvement objectives/other corporate priorities

2.1 The Supporting People Programme and membership of a Regional Collaborative Committee assists in the achievement of the following corporate priorities:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3.0 Background

3.1 The Welsh Government Supporting People Programme Grant (SPPG) Guidance requires each Local Authority to be a member of and participate in a Regional Collaborative Committee (RCC).

- 3.2 Each RCC is required to meet a minimum of four times per year. There are 6 RCC's across Wales:
- The Vale & Cardiff
 - Gwent
 - Mid & West
 - Western Bay
 - Cwm Taf
 - North Wales
- 3.2 Each RCC has a coordinating Local Authority, who employ a Regional Development Coordinator (RDC) whose role is to provide administrative support to the RCC. All Local Authorities are expected to participate and support the work of RCC's.
- 3.2 Membership of an RCC is made up of each Local Authority (elected members and/or officers), Health, Probation, support providers (long and short term services) and Public Health Wales. There must be equal representation of key groups, e.g. the number of Local Authority members should be equal to the number of support providers.
- 3.3 Co-opted members, additional officers, the RDC, a representative of the Supporting People National Advisory Board and Welsh Government officials will be able to attend RCC's, but will not have voting rights.
- 3.2 The aim of an RCC is to provide advice, strategic direction and scrutiny at a regional level for SPPG expenditure. Without executive powers or functions RCC's inform and advise Welsh Government and the Cabinet Secretary on regional and local delivery and compliance with the SPPG, linking in with Regional Partnership Boards, Planning Boards and other RCC's to enable a joined up approach. Issues RCC's advise on include:
- Regional and local delivery / compliance with grant conditions and guidance.
 - Needs mapping
 - Commissioning practices, including coordinating commissioning.
 - Appropriateness and Quality of services against national outcomes
 - The involvement of service users in shaping provision
 - Making recommendations to Welsh Government on local and regional spend plans.
- 3.3 Each RCC is required to hold a Regional Spend Plan and Regional Strategic Plan, which must be reviewed annually. These documents are shared with Regional Partnership Service Boards and Welsh Government.

4.0 Current situation/proposal

- 4.1 A member of the Supporting People Team and the Cabinet Member for Wellbeing and Future Generations currently represent the Authority, alongside representatives from Neath Port Talbot County Borough Council and the City and County of Swansea Council at the Western Bay RCC.
- 4.2 In June 2018 the Cabinet Secretary for Health and Social Services announced that from 1st April 2019 the responsibility for providing healthcare services for people in the Bridgend County area will transfer from Abertawe Bro Morgannwg University Health Board to Cwm Taf University Health Board.
- 4.3 Health / Public Health Wales are members of each RCC. In order to align partnership arrangements for Bridgend County Borough Council it is proposed that in line with the Health Board boundary change Bridgend CBC transition from the Western Bay RCC to Cwm Taf RCC, thereby joining Merthyr County Borough Council and Rhondda Cynnon Taf Borough Council.
- 4.4 In November 2018 the Chair of the Cwm Taf RCC invited the Authority to attend the remaining Cwm Taf RCC meetings for the 2018/19 financial year as observers, with a view to Bridgend CBC formally joining Cwm Taf RCC from April 2019.
- 4.5 At the Cwm Taf RCC meeting on 11th February 2019 members agreed in principle to adopt the new name of Cwm Taf Morgannwg RCC to reflect the new regional footprint.
- 4.6 Approval from Cabinet is now required to formally serve notice to leave the Western Bay RCC and accept an invitation to join the Cwm Taf Morgannwg RCC from 1st April 2019 in line with the Health Board boundary change.
- 4.7 It is proposed that a Cabinet Member be appointed to attend and participate in the Cwm Taf Morgannwg RCC and that where Cabinet nominates on the basis of a Member's role within the Authority, the appointment be attached to the role and not to the individual Member.
- 4.8 An appointment will be made with the assumption that the appointee represent Bridgend CBC. Should the appointee cease to be a Bridgend County Borough Councillor, they will cease to represent this Authority and are expected to relinquish their appointment as necessary.

5.0 Effect upon policy framework and procedure rules

- 5.1 There is no effect upon policy framework and procedure rules.

6.0 Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7.0 Well-being of Future Generations (Wales) Act 2015 Implications

7.1 The report contributes to the following goals within the Wellbeing of Future Generations (Wales) Act 2015:

- A prosperous Wales
- A resilient Wales
- A Wales of cohesive communities
- A globally responsive Wales

7.2 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8.0 Financial implications

8.1 There are no financial implications arising from this report.

9.0 Recommendation

9.1 It is recommended that Cabinet:

- Approve the Authority's withdrawal from the Western Bay Regional Collaborative Committee and grant approval to formally join the Cwm Taf Regional Collaborative Committee in line with the Health Board boundary change;
- Nominate and appoint a Cabinet Member to the Cwm Taf Regional Collaborative Committee.

Mark Shephard
Interim Chief Executive
6th March 2019

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Background documents:

Supporting People Programme Practice Guidance 2018

<https://gov.wales/docs/desh/publications/180730-supporting-people-programme-practice-guidance-2018-en.pdf>

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

INTEGRATED COMMUNITY SERVICES - SECTION 33 AGREEMENT

1. Purpose of Report.

1.1 The purpose of this report is to update Cabinet on the progress in the implementation of the business case approved in May 2014 to deliver integrated intermediate care services at an optimal scale and seek approval:

- to enter into a renewal Section 33 of the National Health Service (Wales) Act 2006 Agreement provision of adult and older people (intermediate care) services between with Abertawe Bro Morgannwg University NHS Trust (ABMU HB) for 2018/2019; and
- delegate authority to the Corporate Director for Social Services and Wellbeing, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to negotiate and enter into a formal partnership agreement for the provision of adult and older people (intermediate care) services between Bridgend County Borough Council (BCBC) and Cwm Taf University Health Board (Cwm Taf HB) following the health board boundary change in April 2019.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report assists in the achievement of the following corporate priorities:-

- **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 In September 2013 the Western Bay Health and Social Care Programme set out a joint commitment to work together to integrate and improve the planning and delivery of community services for older people, *Delivering Improved Community Services*. The commitment was a whole systems approach to addressing the challenges of the issues presented by an ageing population. It stated clearly the first phase of integration would focus on intermediate care services which in turn would act as a catalyst for change across the rest of the system. A detailed business case, *'Delivering Improved Community Services – Business Case for Intermediate Tier Services'* was developed.
- 3.2 The crux of the *Delivering Improved Community Services* and the subsequent business case was; to achieve sustainable health and social services for frail or older people, we need to provide better assessment, care and support at lower cost; something that is impossible were we to be tied to traditional, silo-type forms of both health and social care delivery.
- 3.3 As a consequence of the business case, investment was made in an optimal intermediate care service model. The optimal model comprised 3 elements:
- Common Access Point - an integrated common access point that consists of a multi-disciplinary team who are able to effectively triage callers and direct them to the most appropriate outcome: urgent clinical response, reablement, long term community network service, specialist mental health service or a third sector or community solution (e.g. housing);
 - Rapid Response - the rapid response service provide a rapid clinical response (doctor, nurse and/or therapist) for people who require immediate assessment, diagnosis and sometimes treatment who would otherwise be admitted to hospital. Clinical response is within 4 hours of referral;
 - Reablement – therapy led reablement helps people to retain or regain skills that they may have lost, due to hospital admission or illness, with the objective of minimising the need for ongoing domiciliary care and support.
- 3.5 The business case attracted an investment through the Intermediate Care Fund. In its commitment to the Business Case, Cabinet endorsed a recommendation to 'approve in principle the establishment of an arrangement to pool resources with partners in the Western Bay Programme, subject to formal agreement in accordance with Section 33 of the National Health Service (Wales) Act 2006 by April 2015'.
- 3.6 On 6th October 2015 Cabinet approved entering into a partnership agreement in accordance with Section 33 of the National Health Service (Wales) Act 2006 with ABMU HB for the provision of intermediate care services for Adult and Older People's Services.

4. Current Situation/Proposal

- 4.1 In approving the Business Case for Intermediate Tier Services there was approval to establish a formal pooled fund in accordance with Section 33 of

the National Health Service (Wales) Act 2006. That agreement took effect from 1st October 2015 and expired on the 31st March 2018. The parties continued to provide the service under the governance of the Joint Partnership Board as if the provisions of the original Section 33 Agreement were still in force while the parties agreed the terms of the revised agreement.

- 4.2 In December 2017 the Welsh Government opened a consultation on the proposal to move healthcare services for people living in the Bridgend County Borough area to Cwm Taf HB from ABMU HB, moving the health board boundary accordingly. This has impacted on the negotiation of revising the original Section 33 agreement.
- 4.3 Agreement has now been reached with ABMU HB on the terms of the renewed Section 33 Agreement. Subject to Cabinet's approval that agreement will take effect from 1st April 2018 up to the health boundary change on 1st April 2019.
- 4.4 During the transition arrangements for the health board boundary change Cwm Taf HB have signalled a commitment to continue to work in partnership to deliver intermediate care services for Adult and Older People's Services. Negotiation in terms of the content and structure of this agreement are currently underway with the aim of entering into a formal partnership agreement to take effect from 1st April 2019. Since the original Section 33 Agreement with ABMU HB was completed the number of services provided on an integrated footing has grown and therefore this needs to be reflected in any future agreement; it will also be timely to consider including the community networks. These integrated services are intended to form part of the revised partnership agreement with Cwm Taf HB.

5. Effect upon Policy Framework and Procedure Rules.

- 5.1 There is no impact on the policy framework and procedure rules.

6 Equality Impact Assessment

- 6.1 This report is procedural. There are no negative impacts on any of the equality groups as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing (Wales) Act 2014 (SSWBA) supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a healthier and more equal Bridgend and Wales are supported.
- 7.2 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver wellbeing outcomes for people.

The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- Long Term – Social Services is demand led and the SSWBA focusses on sustainable prevention and wellbeing outcomes for the future. There is a requirement to meet the needs of people in the longer term and, because of rising demographics and increasing complexity, integrated community services continues to be a priority.
- Prevention – approaches adopted by the Directorate in line with the SSWBA, for example, the provision of information, advice and assistance to enable people to remain independent for as long as possible are an essential element of integrated community services. This will ensure that need is anticipated and resources can be more effectively directed to better manage demand.
- Integration – the implementation of the SSWBA requires local authorities to work with partners, particularly the NHS and the Police, to ensure care and support for people and support for carers is provided. The report evidences that work between BCBC and the health board(s) will continue thereby enabling people to remain linked to their communities.
- Collaboration – the strategic planning and local delivery of integrated support and services are developed and agreed at a regional basis in order to provide the best possible intervention to people. Integrated community services are an excellent example of joint working and collaborative arrangements.
- Involvement – the key stakeholders are the people who use social care. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

8. Financial Implications

- 8.1 There are no financial implications contained within this report. However, it should be noted that integrated care funding (ICF) is used to partly fund these services.

9. Recommendation

- 9.1 Cabinet is asked to:

- approve entering into a renewal Section 33 of the National Health Service (Wales) Act 2006 Agreement with ABMU HB for the provision of adult and older people (intermediate care) services for 2018/2019; and
- delegate authority to the Corporate Director for Social Services and Wellbeing, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to negotiate and enter into a formal agreement for the provision of adult and older people (intermediate care) services with Cwm Taf HB in accordance with paragraph 4.4 above.

Susan Cooper
Corporate Director, Social Services and Wellbeing
March 2019

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11. Background documents:
None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

HEALTH BOARD BOUNDARY CHANGE - UPDATE

1. Purpose of Report

1.1 This report provides an update to Cabinet in terms of the current situation with regards to the Health Board boundary change in April 2019. Cabinet is requested to:

- note the approach and progress made to date;
- note the regional name changes;
- agree the nomination of membership to represent Bridgend County Borough Council on the Cwm Taf Morgannwg Regional Partnership Board and to delegate the appointment of any non local authority and non health board members of the Regional Partnership Board to the nominated members of the Council in conjunction with representatives of the other Local Authorities and the Local Health Board;
- approve the list of services transferring in April 2019 and those that are transitioning through 2019/20.
- delegate authority to the Corporate Director for Social Services and Wellbeing, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to enter into any necessary agreements to novate or transfer all ongoing contractual arrangements with ABMU to Cwm Taf Health Board.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report has links to all the corporate priority/priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 On 13th December 2017, Welsh Government commenced a consultation entitled 'Effective Partnership Working in Bridgend, Proposed Health Board Boundary Change to align decision-making across Health and Local Government'. The consultation closed on the 7th March 2018.
- 3.2 The consultation sought views on a proposal that healthcare services for people in the area of Bridgend County Borough Council (BCBC) should be provided by Cwm Taf University Health Board (Cwm Taf) instead of Abertawe Bro Morgannwg University Health Board (ABMU) to align decision-making across health and local government.
- 3.3 The Welsh Government stated that in order to best meet people's needs and expectations, to secure the best outcomes for people locally, regionally and in Wales, public services need to be able to work together effectively. While boundaries should not be a barrier to delivering the outcomes Wales needs, unnecessary complexity, especially in decision-making, can make this more difficult and limit opportunities to serve the public even better.
- 3.4 The intention of the change is to provide clarity and consistency for more effective leadership and partnership; supporting the ambitions of BCBC in its strategic partnership arrangements for local authority functions as part of the Cardiff Capital Region City Deal. It is set in the context of ongoing ambitions for effective efficient and high quality health services across South Wales and consistent with broader ambitions for resilient and renewed local government.
- 3.5 On 14th June 2018, Vaughan Gething, Cabinet Secretary for Health and Social Services confirmed that, following consultation, ".....the Health Board boundary should be changed in accordance with the proposal. I consider that an expeditious timeline would prevent prolonged uncertainty for staff, patients and in the on-going development of key partnership arrangements. Therefore, my intention is for the boundary change to take effect from 1 April 2019. The Welsh Government will continue to work with the Health Boards and other partners as preparations for the boundary change are developed and the relevant legislation will be brought forward in due course." This means that from 1st April 2019 Local Authority and Health services in Bridgend and a number of local authority regional partnership arrangements will be moved from the Western Bay Region to the Cwm Taf Region.
- 3.6 This announcement has a significant impact on existing service delivery arrangements which required a disaggregation of existing health services from ABMU Health Board to Cwm Taf. This involved:
- the transfer of existing primary, community and secondary health services (including Princess of Wales Hospital) which requires the untangling of existing care pathways that are aligned to other primary, community and secondary care services in ABMU Health Board;
 - the transfer of what is estimated to be in the region of 4000 ABMU Health Board employees to Cwm Taf Health Board;
 - Maintaining the safe delivery of services during a transitional handover process associated with the transfer of health services and related care pathways;
 - Ensuring support services and associated resources such as finance, health information, legal and human resources are all aligned to the new Health Board arrangements.

- 3.7 As from 1st April 2019, Abertawe Bro Morgannwg University Health Board will be known as Swansea Bay University Health Board and the Western Bay region will be known as West Glamorgan region. Similarly, Cwm Taf University Health Board will be known as Cwm Taf Morgannwg University Health Board and the Cwm Taf region will be known as Cwm Taf Morgannwg region. When referring to anything post April 2019, this report will refer to the new regional names.

4.0 Current situation/Proposal

- 4.1 From a local authority perspective, whilst the disruption to general services may not be as significant as that experienced by the Health Boards, the boundary changes impact on a number of BCBC services. BCBC has been a crucial partner to the Western Bay Health and Social Care Regional Programme and therefore, from a local authority perspective, critical work has been undertaken to protect Bridgend services during this potentially disruptive time and to secure continuity in the Cwm Taf Morgannwg region after the 1st April 2019. Therefore, it has been essential that BCBC adopt a structured approach to the disaggregation of regional services which has required close working with a range of partners to ensure that where regional funding supports integrated services, such services are accounted for between Western Bay, ABMU Health Board and BCBC.

Governance

- 4.2 In planning for the changes to regional boundaries, a Transition Programme was established which includes, at various levels, officers from the two Health Boards, BCBC and the Third Sector.
- 4.3 The governance structure is attached at **Appendix 1** and shows the overarching Boards plus the work streams that support the Transition Programme. BCBC representation is as follows:
- Joint Transition Board – the Leader/Cabinet Member for Social Services and Wellbeing and the Chief Executive/Corporate Director, Social Services and Wellbeing
 - Joint Transition Programme Group – Corporate Director, Social Services and Wellbeing
 - Work Streams – all relevant service areas within BCBC are linked in to their counterparts in the various work streams.
- 4.4 From 1st April 2019, the governance structure for the new partnership arrangements will be through the Cwm Taf Morgannwg Regional Programme Board.

Partnership Work Stream

- 4.5 Most of what impacts on BCBC is included in the Partnership Work Stream. This has been chaired by the Corporate Director, Social Services and Wellbeing in Bridgend and comprised officers from both Cwm Taf and Western Bay regions, the Third Sector and representation from other relevant work streams. The key work of this group has been to provide an agreed schedule of services to transfer, to ensure that appropriate work takes place to meet the transfer date and to monitor risks and issues related to this.

- 4.6 Supporting the Partnership Work Stream, BCBC established an internal Task and Finish Group. Officers from all relevant areas across the council sat on this group, ie, Legal, Finance, HR, Property/Estates, Housing, Education and Family Support, Adult Social Care and Children's Social Care.
- 4.7 Regular work stream highlight reports and risk logs have been presented to the Transition Programme Group which in turn reported into the Transition Board.

Principles

- 4.8 A set of principles were agreed by partners at the onset to underpin the work of the Transition Programme and form the basis by which all partners would hold themselves and each other to account for delivery of the required changes. Two key principles are:
- Continuity of the quality and delivery of patient care will be central to all actions and decision-making.
 - Both Health Boards will work together and with Welsh Government to ensure that neither population nor organisation is disadvantaged by the operational or financial consequences of the changes.
- 4.9 The principles were set in the context of a commitment to maximise the opportunity to improve the health and wellbeing of the population served by the organisations. The document is attached at **Appendix 2** and the Partnership Work Stream has its own set of principles which are based on this.

Third Sector

- 4.10 The importance of the Third Sector in the delivery of services is crucial and this has been recognised as part of the transition process and discussions have been held with the Chief Executive of BAVO to ensure all relevant information has been shared. BAVO is represented on the Partnership Work Stream and the Transition Programme Group.
- 4.11 The Third Sector in Bridgend works in partnership with the local authority and the Health Board and any impact on Third Sector organisations due to the boundary changes have been considered as part of the Partnership Work Stream. A letter has been sent to the Chief Executive of BAVO providing reassurance that all partners are working closely with both Health Boards to make sure that there is continuity of service for the Third Sector and the population of Bridgend. A joint event between the two Health Boards, BCBC and BAVO was held in January 2019 to ensure an effective platform for communication both in leading up to April 2019 and in moving forward during 2019/20.

Workforce

- 4.12 Regular highlight reports have been presented to the Transition Programme Group on workforce and there has been regular communication with the health HR leads. A staffing schedule was developed with ABMU which listed all posts that were currently working in partnership with the ABMU Health Board and would continue to do so. No BCBC posts were subject to TUPE transfer into Cwm Taf Morgannwg.

- 4.13 Formal consultation with potentially affected health staff was launched on 10 September 2018, with meetings and a series of engagement events supported by directors and workforce and organisational development staff. The consultation closed on 1st December 2018 and transfer arrangements have been progressed.

Estates

- 4.14 The Partnership Work Stream has ensured that all shared accommodation utilised by BCBC and ABMU was reviewed. BCBC is represented on the Estates work stream to ensure that any legal and financial arrangements were considered as part of the transitional planning. It has been agreed in principle that all current arrangements will not be adversely affected by the planned boundary changes.

Finance

- 4.15 All joint funding arrangements between BCBC and ABMU have been identified. This includes jointly funded staff costs, accommodation costs and care placement/package costs. It is estimated that BCBC currently receives more than £5m from ABMU in relation to these arrangements. It has been agreed in principle that any jointly funded financial arrangements will not be adversely affected by the planned boundary changes and transitional plans. It has been highlighted that not all ABMU budgets that fund some of these arrangements will transfer to Cwm Taf. Therefore, BCBC will continue to have joint funding arrangements in place with both Swansea Bay and Cwm Taf Morgannwg regions after the health boundary changes take effect.
- 4.16 Western Bay currently receives various regional revenue grants from Welsh Government on an annual basis such as integrated Care Funding (ICF) and Substance Misuse Action Funding (SMAF). These grants are allocated via the Health Boards but the criteria is clear that they have to be approved by the regional partnership arrangements. These regional grants have been disaggregated to separate out the Bridgend locality apportionment which would then go to the Cwm Taf Morgannwg region in time for the new financial year 2019/20.
- 4.17 The Partnership Work Stream has worked to ensure that the disaggregation of grants is done in a fair, open and transparent way, and agreement has been sought from the two Regional Partnership Boards. The table below shows the breakdown of grants and disaggregated amounts for the Bridgend locality:

Grant Funding 18/19	Total Western Bay Funding	Bridgend locality disaggregated amount to transfer to Cwm Taf in 19/20
ICF Revenue	£8.425m	£1.988m
Substance Misuse Action Fund (SMAF)	£3.624m	£939k

- 4.18 Welsh Government have made available an additional £30m of ICF revenue funding across Wales in 2019/20. It has been estimated that this will equate to approx. £1.3m for the Bridgend locality. Also, ICF Capital allocations for the Bridgend locality transferring from Western Bay to Cwm Taf has been identified as follows:

2019/20	£1.5m
2020/21	£1.8m

4.19 BCBC currently has two pooled fund arrangements with ABMU, specifically, Community Services and Assisted Recovery in Community (ARC) Services. It is not envisaged that there will be any adverse financial implications for these pooled funds due to the boundary change but changes will need to be made to the legal agreement to reflect the change in Health Board as the new partnership will be between BCBC and Cwm Taf and not BCBC and ABMU. However, there is ICF funding linked to the community services pooled fund and this will need to be considered as part of the disaggregation of grant funding mentioned above.

4.20 There are other joint arrangements and partnership working within the Western Bay region that may not include the Heath Board, which are also being considered as part of the transitional planning. Each arrangement is being considered on its own merits and will not necessarily mean that the services will need to transfer to Cwm Taf in the short term.

Services in Scope

4.21 A schedule of those services in scope has been developed, updated and monitored through the Partnership Work Stream and the Joint Transition Programme Board. It includes the detail of:

- those services transferring into the new region on 1st April 2019;
- those services which will stand alone in BCBC while further work takes place with the new Cwm Taf Morgannwg region to join up these services where relevant; and
- those services that will need a longer period of preparation and, therefore, a transitional year is proposed due to, for example, existing contract arrangements.

4.22 Below is an extract of the schedule setting out the services referred to above:

	Service / Information	Arrangements pre April 2019	Arrangements post April 2019
1	Advocacy for children and young people - regional contract following national approach	Western Bay regional service until 30 th April 2019	Cwm Taf Morgannwg regional service from 1 st May 2019
2	Area Planning Board (APB) - Substance Misuse	Partnership arrangements with Western Bay	Partnership arrangements with Cwm Taf Morgannwg
3	Assisted Recovery in the Community (ARC)–Pooled Fund	Section 33 Agreement with Western Bay	Section 33 with Cwm Taf Morgannwg
4	Caswell Clinic – Forensic Mental Health service	Agreement across the South Wales Region (16 Local Authorities)& ABMU	No change
5	Child and Adolescent Mental Health Service liaison officer service	Western Bay regional arrangement	SLA with Western Bay for transitional year
6	Community Services – Intermediate Care Services	Partnership agreement with Western Bay	Partnership agreement with Cwm Taf Morgannwg
7	Community Services - Joint Community Equipment Store	Section 33 in place with ABMU and Cwm Taf Health Boards	Section 33 in place with Swansea Bay & Cwm Taf Morgannwg Health Boards
8	Integrated Autism Service	Arrangements with Western	SLA back to Western Bay

		Bay	until 2020/21
9	Integrated Family Support regional service - Intensive support for parents with substance misuse issues	Regional arrangements with Western Bay	Transition through 2019/20 with intention of joining Cwm Taf Morgannwg
10	Multi Agency Placement Support (MAPSS)	Western Bay regional arrangement	SLA with Western Bay for transitional year
11	Regional Adoption service	Western Bay regional arrangement	Transition through 2019/20
12	Regional Collaborative Committee for Supporting People	Western Bay regional arrangement	Cwm Taf Morgannwg regional arrangement
13	Safeguarding - Regional Safeguarding Boards – Adults and Children	Regional arrangements with Western Bay	Regional arrangements with Cwm Taf Morgannwg
14	Social Care Workforce Development Partnership - sector training and development	Partnership arrangements and regional grant with Western Bay	Partnership arrangements and regional grant with Cwm Taf Morgannwg
15	Western Bay Carers Partnership Board	Western Bay Carers Partnership Board	Cwm Taf Morgannwg Carers Partnership Board
16	Youth Offending Services Youth Offending and prevention of offending services	Western Bay regional arrangements	BCBC stand alone 2019/20

Regional Partnership Arrangements:

- 4.23 The Health Board boundary change will have a significant impact on regional partnership arrangements prescribed under the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). Part 9 of the 2014 Act 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. Section 166 of the 2014 Act enables Welsh Ministers to make regulations requiring a combination of local authorities and Local Health Boards to enter into partnership arrangements for carrying out specified functions prescribed by the 2014 Act. Those regulations have been made by way of the Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015 (“the Assessment Regulations”) and the Partnership Arrangements (Wales) Regulations 2015 (“the Partnership Regulations”).
- 4.24 The Assessment Regulations require Local Health Boards and local authorities to enter into partnership arrangements for the purpose of carrying out their functions under section 14 of the 2014 Act. Section 14 requires local authorities and the respective Local Health Board to jointly undertake an assessment of the needs of the local population for care and support, support for carers and preventative services. It also requires an assessment of the range and level of services which are required to meet these needs. Under the Assessment Regulations, BCBC are currently required to enter into partnership arrangements with ABMU Health Board, Swansea City and County Council and Neath Port Talbot County Borough Council. Following the Health Board boundary change the Assessment Regulations will be amended to require Bridgend County Borough Council to form partnership arrangements with Cwm Taf Health Board, Merthyr Tydfil County Borough Council and Rhondda Cynon Taf County Borough Council.
- 4.25 The Partnership Regulations provide for the establishment of seven regional partnership boards based on the footprint of local Health Boards. Under the

Partnership Regulations BCBC is presently prescribed to form part of the Western Bay Regional Partnership Board with ABMU Health Board, Swansea City and County Council and Neath Port Talbot County Borough Council. When the Health Board boundary is changed, the Partnership Regulations will require amendment for BCBC to form part of the newly constituted Cwm Taf Morgannwg Regional Partnership Board with Cwm Taf Health Board, Merthyr Tydfil County Borough Council and Rhondda Cynon Taf County Borough Council.

- 4.26 Part 9 of the 2014 Act, the Partnership Regulations and statutory guidance issued under Part 9 of the 2014 Act (“the Guidance”) require local authorities to enter into partnership arrangements for specified functions with their regional partners. The Partnership Regulations require partnership arrangements to be made by the partnership bodies under the direction of their Regional Partnership Board. The Regional Partnership Boards are also required to develop and coordinate formal or informal partnership arrangements and determine the most appropriate structures for ensuring the provision of integrated services. To facilitate partnership working the 2014 Act, Partnership Regulations and Guidance allow local authorities and Local Health Board to carry out specified functions on behalf of the other partnership bodies taking part in the same partnership arrangement. The Guidance stipulates that written agreements need to be developed for any partnership arrangements which involve a delegation of functions.
- 4.27 The Partnership Regulations require the establishment of pooled funds in relation to the exercise of care home accommodation functions, the exercise of family support functions and functions that will be exercised jointly as a result of an assessment carried out under section 14 of the Act or any plan prepared under section 14A. The Guidance requires that partnership arrangements involving pooled funds be regulated by written agreements between the parties.
- 4.28 On 31st August 2018 Welsh Government carried out a consultation exercise on the proposed amendment to the Assessment Regulations and Partnership Regulations. The proposed amendment regulations will enact the change in regional partnership board areas to account for the Health Board boundary change. The proposed amendment to the Partnership Regulations also includes, amongst other things, a limit to the pooled fund requirement for care home accommodation functions to care home accommodation for older people, a requirement for regional partnership boards to produce regional commissioning strategies in relation to care homes and a requirement for housing representation on regional partnership boards.
- 4.29 As a member of the Western Bay Regional Partnership Board, BCBC has entered into a number of formal and informal partnership arrangements with its partners in Western Bay region. Those arrangements are included in the list at paragraph 4.22 above. The above legislative changes will require that BCBC disaggregate from those arrangements and enter into similar such arrangements with its newly prescribed partners within the Cwm Taf Morgannwg region under the direction of the Cwm Taf Morgannwg Regional Partnership Board. BCBC currently has two pooled fund partnership agreements in place with ABMU – one relating to Integrated Community Services and the other to Assisted Recovery in Community (ARC) Services. BCBC also has an ongoing pooled fund arrangement in place with ABMU and Cwm Taf Health Boards in respect of Integrated Community Equipment Services. Formal Cabinet approval will be sought to continue and transfer those

arrangement and further approval sought when required for any new regional partnership arrangements.

Regional Partnership Boards (RPB)

4.30 As referred to above, Part 9 of the Social Services and Well-being (Wales) Act 2014 requires that regions have regional partnership boards in place to enable the provision of integrated care and support services. The objectives include:

- responding to the population assessment required by the Act;
- implementing area plans produced in response to that assessment: and
- promoting the establishment of pooled funds where appropriate.

4.31 BCBC has been a pro-active partner of the Western Bay Regional Health and Social Care Partnership Board and has taken a lead role in various areas. The Leader, Cabinet Members, Chief Executive and Corporate Director, Social Services and Wellbeing are all members on the Board and officers from BCBC lead a number of regional projects. Work is now taking place to withdraw from the Western Bay RPB.

4.32 Cwm Taf Region has a similar set up to the former Western Bay region, ie:

- Regional Partnership Board (RPB)
- Transformational Leadership Group (TLG)
- Area Planning Development Implementation Group (APDIG)

BCBC has now been invited to sit on these Boards as preparation for the transition in April 2019 when Bridgend will become a full partner. In preparation of Bridgend partners joining the Cwm Taf region a review of the partnership arrangements has commenced. An initial review day was held on 7th February 2019 which has resulted in a revised vision, principles and governance document being agreed. These documents are currently being drafted and will be put to Cabinet for approval when completed. An action plan has now been developed which will be worked through jointly during 2019/20.

4.33 The Cabinet Member for Social Services and Early Help and the Corporate Director, Social Services and Wellbeing sit on the current Cwm Taf RPB in a shadow capacity. The Corporate Director, Social Services and Wellbeing sits on the TLG and the Heads of Service sit on the APDIG.

4.34 Heads of Service and Group Managers meet regularly with officers from the Cwm Taf Morgannwg region on, for example, Community Services, Integrated Family Support Services, Mental Health and Safeguarding.

4.35 The Group Manager, Commissioning and Contract Monitoring attends meetings with Cwm Taf Morgannwg to ensure plans are in place for BCBC to join the Cwm Taf Morgannwg pooled fund for care homes arrangements.

4.36 The Group Manager, Commissioning and Contract Monitoring and Finance representatives from BCBC attend meetings with Cwm Taf Morgannwg, to ensure the necessary arrangements are in place for BCBC to join the Cwm Taf Morgannwg pooled fund for care homes, in accordance with legislative requirements. BCBC representatives are also working closely alongside our regional partners in order to review and refresh the Cwm Taf Morgannwg regional area plan, which will set out our

regional priorities and opportunities for integration in respect of health and social care services, moving forward from April 2020.

Public Service Board (PSB)

- 4.37 In the Cwm Taf region, there is one PSB covering Rhondda Cynon Taff and Merthyr local authorities. In the former Western Bay region, however, there were three separate PSBs, one for each local authority area (Swansea, Neath Port Talbot and Bridgend). A joint workshop has been held between Bridgend PSB and the Cwm Taf PSB to discuss the way forward and a consensus has been reached for two separate PSBs to remain in place for 2019/20 with further discussions planned to agree the longer term way forward.

Cwm Taf Health Board

- 4.38 Currently, the Corporate Director, Social Services and Wellbeing is a member of the ABMU Health Board and is the regional Social Services Director representative.
- 4.39 The Cabinet Member, Social Services and Early Help has recently become an associate member of the Cwm Health Board and the Corporate Director, Social Services and Wellbeing will sit on the Executive Team.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 There is no impact on the Policy Framework and Procedure Rules.

6 Equality Impact Assessment

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics and no further assessment is considered appropriate at this stage.

7. Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing Act (Wales) (SSWBA) 2014, in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.
- 7.2 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales. Promoting the right of an individual to be involved in the development and provision of support and services, to encourage feedback and to enable a person to make a complaint about the support or services they receive contributes to ensuring the Authority works to deliver wellbeing outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:
- Long Term – Social Services is demand led and the SSWBA focusses on sustainable prevention and wellbeing outcomes for the future. There is a

requirement to meet the needs of people in the longer term and, because of rising demographics and increasing complexity, the remodelling and transformation of services continues to be a priority. The change to Health Board Boundary will continue to support this.

- Prevention –new approaches in line with the SSWBA, for example, the provision of information, advice and assistance to enable people to remain independent for as long as possible will continue. This will ensure that need is anticipated and resources can be more effectively directed to better manage demand.
- Integration – the implementation of the SSWBA requires local authorities to work with partners, particularly the NHS and the Police, to ensure care and support for people and support for carers is provided. The report evidences that work between local authorities, the health board(s) and the Third Sector will continue thereby enabling people to remain linked to communities, and work with young people to enable access to employment.
- Collaboration – The collaborative approaches described in the report, are managed and monitored through various regional collaborative boards, for where there is cross sector stakeholder representation at both political and officer level. The strategic planning and local delivery of integrated support and services are developed and agreed at a regional basis in order to provide the best possible intervention to people.
- Involvement – the key stakeholders are the people who use social care and health services. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints processes. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

8.0 Financial Implications

8.1 The financial implications are included within the body of the report.

8.2 Funding to support the transitional work streams has been secured to the value of £180k in 2018/19. This is made up of £100k from Welsh Government and £80k from ABMU Health Board. This is being used to provide dedicated project management, finance and legal support to this process.

9.0 Recommendation

9.1 It is recommended that Cabinet:

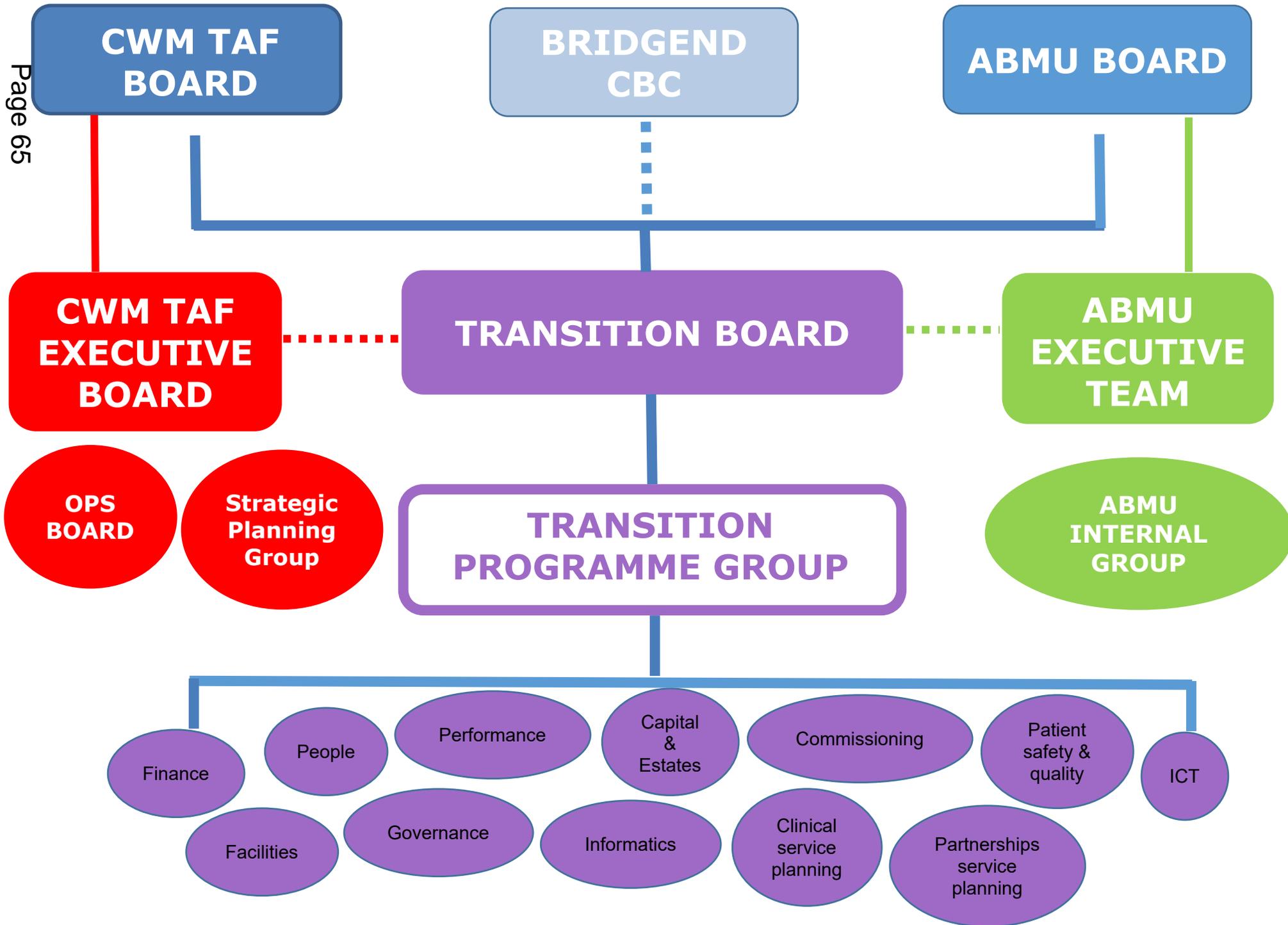
- note the approach and progress made to date;
- note the Regional name changes;
- agree the nomination of the Leader of Bridgend County Borough Council, the Cabinet Member for Social Services and Early Help, the Cabinet Member for Wellbeing and Future Generations and Corporate Director of Social Services and Wellbeing to represent Bridgend County Borough Council on the Cwm Taf Morgannwg Regional Partnership Board and to delegate the appointment of any non-local authority and non-health board members of the Regional Partnership Board to the nominated members of the Council in conjunction with representatives of the other Local Authorities and the Local Health Board;
- approve the list of services transferring in April 2019 and those that are transitioning through 2019/20.

- delegate authority to the Corporate Director for Social Services and Wellbeing, in consultation with the Section 151 Officer and Head of Legal and Regulatory Services, to enter into any necessary agreements to novate or transfer all ongoing contractual arrangements with ABMU to Cwm Taf Health Board.

Susan Cooper
Corporate Director, Social Services and Wellbeing
March 2019

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11. Background Documents
None



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Key Principles underpinning the Bridgend Boundary Change Transition Programme

The following key principles will underpin the work of the Transition Programme and form the basis by which ABMU and Cwm Taf UHBs will hold themselves (and through the Transition Board, each other) to account for delivery of the required changes. They are set in the context of a commitment to maximise the opportunity to improve the health and wellbeing of the population served by both organisations.

1. Continuity of the quality and delivery of patient care will be central to all actions and decision-making.
2. There will be a continuous process of engagement and communication with staff and key stakeholders throughout the change programme.
3. At all times there will be an 'open-book' approach to the sharing of information.
4. Throughout the transition programme, opportunities will be actively explored for shared service arrangements that could improve quality and efficiency.
5. Both Health Boards will work together and with Welsh Government to ensure that neither population or organisation is disadvantaged by the operational or financial consequences of the changes.
6. The principles of TUPE and the all Wales Organisational Change Policy will be applied to the transfer of staff associated with the changes.
7. The **commissioning** responsibility for Health services for the Neath Port-Talbot and Swansea populations will be retained, in full, by ABMU. The continuity of any services into Neath Port Talbot Hospital from Bridgend is confirmed with service level agreements being put in place as appropriate.
8. The **commissioning** responsibility for Health services for the Bridgend population will transfer in its entirety to Cwm Taf UHB from 1st April 2019.
9. The **Provider** responsibility for all NHS services to the Bridgend population will transfer to Cwm Taf UHB from 1st April 2019 unless there is a jointly agreed legitimate reason that the provision of a particular service should remain with ABMU either in the short-term (to mitigate de-stabilisation during the transition period) or on a more substantive basis where, for example:
 - A given service is part of a specialist service that ABMU already provides to the wider population.
 - A single low volume or highly specialised service is currently provided to the Bridgend population from Swansea or Neath Port Talbot (or vice versa) and the critical mass is so small

that legitimate concerns are raised about sustainability if disaggregated.

In all such instances, the commissioning responsibilities of Cwm Taf UHB for the population would need to be discharged through an appropriate SLA.

10. The schedule of Provider functions to transfer will be agreed through the Transition Board. In the unlikely event of any dispute between the respective Health Boards, the matter will be referred to the Chief Executive – NHS Wales for advice / decision in the context of (5) above.
11. WHSSC commissioned services for the Bridgend population are out-of-scope for consideration of any changes to Provider arrangements as part of this Programme.

In addition to the above, Cwm Taf UHB commits to doing everything possible during the Transition Programme to support ABMU in delivering the actions associated with their Targeted Intervention Programme as they relate to the Bridgend locality.

BRIDGEND COUNTY BOROUGH COUNCIL

CABINET

19 MARCH 2019

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

CHILDREN'S SOCIAL CARE – UNIVERSITY SUPPORT PACKAGES FOR CARE LEAVERS

1. Purpose of Report

- 1.1 To present to Cabinet the Policy on University Support Packages for Care leavers for approval. The Policy is attached at **Appendix 1** and was presented to the Cabinet Committee Corporate Parenting on 6 March 2019.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

3. Background

- 3.1 As stated in the previous report of 30th January 2018, the Local Authority has, for many years, provided young care leavers with financial assistance to attend university and higher education courses. This financial support has enabled young people to meet the costs of term time and vacation accommodation, pay for tuition fees and receive weekly maintenance payments.
- 3.2 Such assistance has been provided to young people in the absence of an agreed and ratified policy and it has been acknowledged that the approach to the levels of support offered has developed through custom and practice within children's social care. Such an approach cannot guarantee consistency of practice or ensure equity of the financial support provided to individuals.
- 3.3 There is currently no identified budget specifically from which this financial support can be drawn from and to date it has come out of the care leavers generic support budget.
- 3.4 In September 2016, the Cabinet Secretary for Education published the Diamond Report which proposed a costed package of recommendations for the future funding

of higher education in Wales. Welsh Government has accepted these recommendations and is implementing them during the academic year 2018/19.

- 3.5 The Local Authority is currently supporting nine care leavers to attend university, and has identified that over the next three years this number is likely to increase. This is very positive and, in order to achieve the best outcomes for young care leavers, it is necessary to devise a policy that ensures appropriate levels of financial support, fairness and consistency so that Bridgend can sustain suitable levels of support into the future.
- 3.6 The Social Services and Wellbeing (Wales) Act 2014, (SSWBA), lays down the Local Authority's responsibilities with regards to care leavers over the age of 18 who wish to continue their education and sets out what financial assistance the Local Authority MUST provide. This will be the basis from which the policy is developed.
- 3.7 In her Hidden Ambitions spotlight report published in February 2017, the Children's Commissioner for Wales, Sally Holland, asks local and national government to pledge their support to realising the ambitions of young people leaving care. The Commissioner wants to ensure that young people leaving care have the same expectations in terms of care and support as their peers and to have an education that helps them to fulfil their potential. To show commitment to care experienced children and young people Welsh Government wants to guarantee financial support for care leavers going onto higher education.
- 3.8 Welsh Government will no longer be providing students with Tuition Fee Grants. Instead students will be eligible for, and will be supported to apply for:
- a Tuition Fee Loan to cover the total amount of their £9,000 fees each year which they will have to pay back once earning over an agreed amount;
 - the non-repayable Welsh Government Living Costs Grant of £8,100 a year and an additional £1,125 maintenance is also available should they require it.
- 3.9 Bridgend County Borough Council (BCBC) has recognised a need to devise a policy that ensures appropriate levels of financial support, fairness and consistency to its care leavers, so that they are not disadvantaged financially and encouraged to take some financial responsibility for their own education and future.
- 3.10 On 30th January 2018 Cabinet received a report which set out three financial proposals to support care leavers attending University.
- 3.11 All three options were consistent in ensuring that BCBC is compliant with the Social Services and Wellbeing (Wales) Act, 2014 in that it funds vacation time accommodation and provides each student with a £2,000 bursary payment as a minimum. The different options proposed vary in what is provided to each student in addition to this minimum requirement.
- 3.12 On 6th March 2019, Cabinet Committee Corporate Parenting received the Policy for comment. The outcome of that committee was that the committee noted the report. The Committee requested during the meeting that the financial impact of the policy be reviewed in 12 months' time and the findings brought back before the Committee for comment.

4 Current Situation/Proposal

- 4.1 On 18th September 2018, Cabinet received a report on the consultation and the three options. Option 3 was approved, namely:
- The student pays their tuition fee of £9,000 per year through a repayable loan. BCBC provides the student with a weekly incentive payment during term time (e.g. £25 per week).
 - The student pays for their accommodation and living costs during term time through loans/grants.
 - Any additional maintenance / discretionary payments made to individuals will be based on an individual assessed need basis.
- 4.2 The policy that has been developed outlines the arrangements to deliver this approach. Care leavers would be supported to apply for loans and grants to pay for their tuition fees. Children's social care would provide the student with a weekly allowance and a bursary in addition to the grants they are entitled to access. The student would not be expected to start repaying the loan until they are in full time employment and receiving a salary which enables them to do this without compromising them financially. The repayment of such a loan would not commence until the individual is in receipt of an annual income of £25,000 a year.
- 4.3 The tuition fee will be the largest cost repayable as per the conditions noted above.
- 4.4 This option would allow greater independence and financial security on a weekly basis by enabling the student to manage a weekly allowance provided by Children's social care giving the student the flexibility to manage monies for food and social activities.
- 4.5 The policy promotes the students personal financial investment in their own education and by making applications for loans and grants will place them on an even financial platform as the majority of other students.
- 4.6 The policy also enables Children's Social Care to financially support care leavers by making discretionary payments to students who may find themselves in times of hardship depending on their personal circumstances.
- 4.7 The policy will encourage money management which is in line with the ethos behind the Diamond Report. This report emphasizes a "move towards improved maintenance and support arrangements for all full time and part time undergraduate students, with the highest level of grant support covering the full cost of maintenance for those most in need, together with subsidised loans to cover full cost of tuition fees.' There is a clear principle of 'no upfront fees' within the report that also encourages financial support equivalent to the national living wage.
- 4.8 The policy allows the student financial independence and security on a weekly basis by means of a weekly allowance not forgetting that the student will have access to a substantial grant and bursary. The care leaver will be supported financially but there will be a more equitable balance between a loan (from the student loan company), a grant and discretionary payment from BCBC. Loans would be accessed through the student loan company which is a non-profit making government owned organisation set up in 1989. Care leavers will also continue to receive emotional and practical

support. Students as care leavers will be eligible for on-going support and advice from Children's Social Care and they will also be able to access the same from student welfare services to support them in the management of these monies.

5. Effect upon Policy Framework and Procedure Rules

5.1 There is no impact on the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 An EIA was completed which shows there will be an impact on a small group of young people. The EIA is attached at **Appendix 2**. However the intention of the Policy is to ensure this cohort of young people receive financial support.

7. Well-being of Future Generations (Wales) Act 2015 Implications

7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing Act (Wales) (SSWBA) 2014, in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.

7.2 The Wellbeing of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver wellbeing outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- Long Term – Social Services is demand led and the SSWBA focusses on wellbeing outcomes for the future. There is a requirement to meet the needs of people in the longer term and, as such the Local Authority has acknowledged the need to develop a policy to financially support its care leavers to attend university.
- Prevention – the report is about the consultation on three financial options. This will ensure that need is anticipated and resources can be more effectively directed to better support care leavers and manage demand.
- Integration – the implementation of the SSWBA requires local authorities to work with partners, to ensure care and support for its care leavers who wish to attend university is provided. The report evidences consultation with education professionals with this regard and with a view to enabling care leavers to access employment.
- Collaboration – This will be managed in order to provide the best possible intervention for care leavers wishing to attend university.
- Involvement – the key stakeholders are the people who use social care. There is considerable engagement including surveys, stakeholder meetings, feedback forms and the complaints process. The provision of accessible information and advice helps to ensure that the voice of adults, children and young people is heard.

8.0 Financial Implications

8.1 Those young people who are already in University continue to receive support as per our current arrangements. The table below refers:

BCBC Current Position

Annual Costs	Paid by BCBC	Paid by Student
Tuition Fees top up (as per 16/17)	£3,900	Nil
Accommodation Costs (term time) *assumed average	£5,532	Nil
Weekly maintenance (term time)	£4,138	Nil
Bursary	£0	Nil
Total	£13,570	Nil

8.2 Financial implications are within the body of the report above.

8.3 In summary:

- The Authority pays weekly incentive for 40 weeks (e.g. £25 per week)
- Student receives tuition fee of £9,000 from Tuition Fee Loan
- Student funds accommodation and maintenance costs from Living Costs Grant
- Discretionary payments will also be considered

8.4 As with all students there will be a risk that the student will find it hard to manage financially. However they will continue to receive emotional and practical support from the leaving care team.

8.5 The student will benefit from the weekly incentive payment in addition to the loans and grants available to them. The Bursary (one third of £2,000) will be provided at the completion of each academic year to support the student over summer vacation from university. The incentive payment can be made weekly or monthly to support the student.

8.6 There will be no additional cost to the Local Authority by the introduction of this Policy.

9.0 Recommendation

9.1 It is recommended that Cabinet:

- approve the University Support Packages for Care Leavers Policy
- note that the financial impact should be reviewed in 12 months' time and the findings taken back to the Cabinet Committee Corporate parenting for comment.

Susan Cooper
Corporate Director, Social Services and Wellbeing
March 2018

10. Contact Officer: Elizabeth Walton-James
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11. Background Documents
None



CHILDRENS SOCIAL CARE

University Support Packages For Care Leavers Policy

Issued: January 2019

Review Date	January 2022	By: Head of Children's Social Care
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1. INTRODUCTION

- 1.1 This policy sets out how Bridgend County Borough Council will support eligible care leavers in Bridgend to attend university, whilst encouraging them to take responsibility and financial ownership for their educational attainment and future employment.**
- 1.2 A framework of financial, emotional and practical support is available for care leavers moving on to Higher Education, which is person-centered and reflective of individual needs, ensuring that young people have the resilience and life tools needed to achieve their full potential.

2. LEGISLATIVE CONTEXT

- 2.1 This policy has been written to comply with the provisions of:
- The Wellbeing of Future Generations (Wales) Act 2015
 - The Social Services and Wellbeing (Wales) Act 2014
 - The Children's Act 1989
- 2.2 Other legislation such as: the Human Rights Act 1998 and the Equality Act 2010 may also be relevant to particular circumstances, such as providing accessible information about the support that is available that can be understood by Individuals with various disabilities.

3. POLICY OBJECTIVES

- 3.1 The objectives of this policy are for eligible young care leavers in Bridgend to be supported to access Higher Education and to have consistent practical, emotional and financial support that enables them to maintain their university placement and gain their desired qualification.

4. ELIGIBILITY CRITERIA

- 4.1 As Corporate Parent, the Local Authority has a legal duty to provide care and support to children and young people in care. Any eligible care leaver in Bridgend, defined as follows and who has achieved the requisite qualification(s) required for university, will be eligible for the support outlined in this policy:
- A care leaver aged 18 or over who was being looked after by the Local Authority when he or she reached the age of 18;
 - A former care leaver under the age of 25 who reconnects to care for education or training purposes;

- A young person under the age of 21 who left care under a Special Guardianship Order.
- 4.2 The Local Authority may also give support in certain circumstances if the young person is under the age of 25 and left care under a Special Guardianship Order. Such circumstance is where the Local Authority may disregard any interruption in education if it is satisfied that the young person will resume the programme as soon as reasonably practicable. In these circumstances, it may provide the young person with suitable out-of-term time accommodation, or pay enough to secure suitable accommodation.

5. POLICY SCOPE

- 5.1 This policy and its associated procedures have been comprehensively revised in order to reflect legislation and best practice. Amendments to the policy will be subject to approval by the Local Authority.
- 5.2 The policy is applicable to:
- all elected Members and officers of the Local Authority;
 - eligible care leavers in Bridgend.

6. FINANCIAL SUPPORT

- 6.1 This policy requires that any care leaver who wishes to attend university should apply for all funding they are eligible for.
- 6.2 Care leavers will be supported by the Local Authority to apply for all financial support available to them, including:
- A Tuition Fee Loan to cover the amount of the care leaver's £9,000 university fees each year, which they will be required to repay once earning over an agreed amount;
 - The non-repayable, annual Maintenance Grant of £8,100 a year;
 - An annual Maintenance Loan of up to £1,125 should the care leaver require it;
- 6.3 The Local Authority will provide care leavers attending university with a higher education bursary to the value of £2000 over the life-time of the course they are attending. The bursary will be apportioned over the years of the course and paid to the student at the end of each academic year.
- 6.4 The Local Authority will also provide the care leaver with a weekly incentive payment during term time (£25 per week).
- 6.5 Additionally, the Local Authority will provide suitable accommodation

outside of term-time, or provide monies to the care leaver to secure suitable accommodation outside of term-time.

- 6.6 Having taken account of the young person's wishes, the Local Authority must be satisfied as to the character of the landlord or other provider and the suitability of the accommodation
- 6.7 Any additional discretionary payments made to individuals will be based on an individual assessed need basis. Examples of this include: monies to purchase course study materials and equipment; field trips; travel expenses; bond/rent in advance.
- 6.8 Setting up independent living money for the purchase of essential items, such as a fridge, cooker and bed can be held for the care leaver until they conclude their studies, or, if assessed as appropriate, they can access it prior to leaving for university.

7. FINANCIAL SCHEDULE/POSITION

- 7.1 Appendix 1 indicates the range of financial support eligible to care leavers who are commencing Higher Education studies. As figures are based on the academic year 2018/19, these will be subject to change.

8. REPAYMENT ARRANGEMENTS

- 8.1 The care leaver will not be required to start repaying their student loan to the student loan body until they are in full-time employment and receiving more than the minimum income 'repayment threshold', which is set by the government and is subject to change.
- 8.2 Should the care leaver decide to end their course early, they will still need to pay back any student loans that they have, and possibly any other bursaries or grants that they have received.

9. MONITORING, SUPPORT AND ENGAGEMENT

- 9.1 Young people, having been cared for by the Local Authority, will have had on-going input to prepare them for the transition into adulthood, with a focus on key life skills such as money management, healthy living and cooking skills, self-care and presentation skills. Consequently it is anticipated they will be better placed to manage independent living.
- 9.2 As Corporate Parent, the Local Authority will continue to work on key life skills with young people throughout their Higher Education career. Therefore any financial and practical support for Higher Education will be

on the understanding that young people will remain in contact with the Local Authority and engage in the pathway planning process.

- 9.3 The pathway plan must set out the level and nature of the financial, emotional and practical support to be provided, and by whom, together with details of the accommodation the young person is to occupy, including an assessment of its suitability.
- 9.4 The pathway plan must also set out the arrangements for the care leaver and their personal advisor (PA) to keep in touch. The PA must have face-to-face contact with the care leaver. They may also encourage regular exchanges of communications via text, e-mails and telephone conversations, whichever being the most appropriate. The PA will also undertake regular visits to the accommodation where the young person lives.
- 9.5 Where the Local Authority has supported the young person to access suitable accommodation, they must arrange a review of the young person's pathway plan as soon as is practicable after the end of a period of 28 days beginning on the day on which the accommodation is first provided and determine at what intervals subsequent quarterly reviews will be carried out.
- 9.6 Where the young person is finding university life difficult, the Personal Advisor must take reasonable steps to meet with the young person and any professional person from the university to ensure the young person is supported to overcome those difficulties, in order to avoid disengagement and minimise the risk of the young person dropping off or being excluded from their course.
- 9.7 The Local Authority will also have a contingency plan in place in the event of the young person's pathway plan ceasing to be effective.
- 9.8 The young person will also have access to advocacy services throughout their time of study and whilst in higher education until they reach the age of 25yrs.

10. POLICY IMPLEMENTATION

10.1 The authority will:

- ensure the effective application of this policy through support and monitoring
- monitor and update the procedures as required
- liaise with appropriate external agencies from time to time to ensure that the policy and procedures are kept up to date
- distribute the policy and procedures widely to staff

11. POLICY REVIEW

- 11.1 The Local Authority is committed to the continuing development of the policy and will endeavor to maintain its accuracy and relevance. The policy will be reviewed in response to any proposed additions or amendments.

DRAFT

Appendix 1

Source	Description	Annual Amount	Repayable	Payment schedule
Student Finance Wales	Tuition Fees	£9,000	Yes	Paid directly to the University
Student Finance Wales	Welsh Assembly Learning Grant/ Help with living costs Grant	*£8,100	No	Apportioned termly to student
Student Finance Wales	Maintenance Loan	*£1,125	Yes	Apportioned termly to student
Student Finance Wales	Childcare Grant	*85% of childcare cost	No	Termly to student
Student Finance Wales	Parents Learning Allowance	*£1,557	No	Apportioned termly to student
Student Finance Wales	Adult Dependent Grant	*£2,732	No	Apportioned termly to student
Student Finance Wales	Disabled Student Allowance	Depending on circumstances as assessed by SFW.	No	Termly to student
BCBC	Bursary	£667**	No	Annual payment to student
BCBC	Incentive payment	£1,000	No	£25 per week for 40 weeks to student
Higher Education Institution	National Scholarship Programme	Variable dependent on HEI	No	Termly to student
BCBC	Vacation Accommodation	Discretionary depending on student requirement.	No	Direct to student or Landlord as deemed appropriate.

*Maximum

**based on apportionment of £2,000 over a three year course

All figures are based on Student Finance Wales 2019/20 entitlements and are dependent on the student meeting the specific eligibility criteria for each grant.

Non repayable elements of financing are subject to conditions. If you leave your course early or an overpayment has been made to you, a repayment will be required.

Equality Impact Assessment Toolkit

Equality impact assessment (EIA) screening form

Please refer to the [guidance notes](#) when completing this form.

This form has been developed to help you to identify the need for EIA when developing a new policy, strategy, programme, activity, project, procedure, function or decision (hereafter all understood by the term policy). You must also complete this form when reviewing or revising existing policies. It will also help to prioritise existing policies that may need to undergo a full EIA.

Unless they are 'screened out' following this initial prioritisation process, policies **will** be required to undergo full EIA in priority order. Refer to the **above** guidance notes on when an equality screening should happen, and some initial principles to bear in mind when getting started.

No new or revised policy should be approved unless an equality screening and, if required, a full EIA has taken place.

The following sections must be completed for all new policies:

Name of policy being screened: Financial support for Care Leavers in University

Brief description of the Policy: The policy will set out how the Local Authority will financially support its care leavers whilst they are in University.

Does this policy relate to any other policies? There is no formal or ratified policy in place in relation to this. The Local Authority has been providing financial support to care leavers attending university for many years on a case by case basis and has been developed through custom and practice within children's services.

What is the aim or purpose of the policy? The aim of the policy is to ensure that the Local Authority provides an appropriate level of advice on accessing financial support to care leavers whilst they attend university and that any financial support from the Local Authority is provided with fairness and equity.

Who is affected by this policy (e.g. staff, residents, disabled people, women only?) Category three Care Leavers who are attending University (Age 18 – 24)

Who is responsible for delivery of the policy? Children’s Social Care, SS&WB Directorate

The following sections must be completed for all policies being reviewed or revised:

Is this a review of an existing policy? No – It will be a new policy

If this is a review or amendment of an existing policy, has anything changed since it was last reviewed?

Has an EIA previously been carried out on this policy? N/A

If an EIA exists, what new data has been collected on equality groups since its completion? N/A

Screening questions

1. Is this policy an important or ‘large scale’ function, and/or is it likely the policy will impact upon a large number of staff, residents and/or contractors?

No

[\(Guidance\)](#)

2. Is it possible that any aspect of the policy will impact on people from different groups in different ways? (See guidance for list of 'protected characteristics' to consider)

Characteristic	Yes	No	Unknown	Explanation of impact
Age		x		
Disability		x		
Gender reassignment		x		
Pregnancy and maternity		x		
Race		x		
Religion/belief		x		
Sex		x		
Sexual orientation		x		
Civil Partnerships and Marriage		x		

Yes

No

Unknown

[\(Guidance\)](#)

Please expand on your answer:

3. What is the risk that any aspect of the policy could in fact lead to discrimination or adverse affects against any group of people? (See guidance for list of protected characteristics?)

The policy may lead to a reduction in the amount of financial support from the Local Authority provided to care leavers attending university which in turn could lead to this group of young people having to take out financial loans.

What action has been taken to mitigate this risk?

[Guidance](#)

The Local Authority will ensure that appropriate advice is provided to enable young people intending to attend university to access relevant grants and loans, information on repayment schemes will also be included.

4. Could any aspect of the policy help BCBC to meet the main public sector duties? Bear in mind that the duty covers 9 [protected characteristics](#). [Guidance](#)

Duty	YES	NO	Unknown
Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act		x	
Advance equality of opportunity between persons who a relevant protected characteristic and persons who do not share it		x	

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it		x	
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Please set out fully your reasoning for the answers given to question 4 including an awareness of how your decisions are justified.

6. Could any aspect of this “policy” assist Bridgend County Borough Council with its compliance with the Welsh Language Standards and the Welsh Language (Wales) Measure 2011 which are to consider:- No

- whether the policy would impact on people’s opportunity to a) use the Welsh language in a positive or negative way and b) treat both languages equally;
- how the policy could be changed to have a positive effect or increase the positive effect on a) people’s opportunity to use the Welsh language and b) treating both languages equally;
- how the policy could be changed to minimise or remove any adverse effects on a) people’s opportunity to use the Welsh language and b) treating both languages equally.

6. Are you aware of any evidence that different groups have different needs, experiences, issues and/or priorities in relation to this policy?

No

[\(Guidance\)](#)

Please explain fully the reasons for this judgement including an awareness of how your decisions are justified.

This will be a new policy that will need consultation and cabinet approval.

7. Is this policy likely to impact on Community Cohesion? No

Conclusions

8. What level of EIA priority would you give to this policy? [\(Guidance\)](#)

HIGH - full EIA within 6 months, or before approval of policy

7. Will the timescale for EIA be affected by any other influence e.g. Committee deadline, external deadline, part of a wider review process? Deadlines for cabinet consultation and approval need to be met

[\(Guidance\)](#)

8. Who will carry out the full EIA? Equality officer and 16+ Team manager

EIA screening completed by: 16+ Team Manager

Date: 09.11.2017

Full Equality Impact Assessment

Name of project, policy, function, service or proposal being assessed:	Financial Support for Care Leavers in University
Date assessment completed	10.08.18

At this stage you will need to re-visit your initial screening template to inform your discussions on consultation and refer to [guidance notes on completing a full EIA](#)

1. Consultation

		Action Points
Who do you need to consult with (which equality groups)?	No specific 'equality group' identified. Care leavers, LAC, Children Social Workers and Education consulted with.	
How will you ensure your consultation is inclusive?		

<p>What consultation was carried out? Consider any consultation activity already carried out, which may not have been specifically about equality but may have information you can use</p>	<p>On line consultation. Care leavers and Looked After Children were directed to the consultation by their social workers and some were supported to completed the consultation</p>	
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Record of consultation with people from equality groups

Group or persons consulted	Date, venue and number of people	Feedback, areas of concern raised	Action Points
<p>Example: Bridgend Deaf Club</p>	<p>BSL Users meeting Date and venue 25 people in attendance.</p>	<p>Deaf people may be unaware of new service as information not available on BSL video.</p>	
<p>No equity groups identified</p>			

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2. Assessment of Impact

Based on the data you have analysed, and the results of consultation or research, consider what the potential impact will be upon people with protected characteristics (negative or positive). If you do identify any adverse impact you **must**:

- a) Liaise with the Engagement Team who may seek legal advice as to whether, based on the evidence provided, an adverse impact is or is potentially discriminatory, and**
- b) Identify steps to mitigate any adverse impact – these actions will need to be included in your action plan.**

Include any examples of how the policy helps to promote equality.

Gender	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact on women and men.	No impact identified	

Disability	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact on disabled people (ensure consideration of a range of impairments, e.g. physical, sensory impairments, learning disabilities, long-term illness).	No impact identified	
Race	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact of the service on Black and minority ethnic (BME) people.	No impact identified	
Religion and belief	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact of the service on people of different religious and faith groups.	No impact identified	

Sexual Orientation	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact of the service on gay, lesbian and bisexual people.	No impact identified	
Age	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact of the service on older people and younger people.	No impact identified	
Pregnancy & Maternity	Impact or potential impact	Actions to mitigate
	No impact identified	
Transgender	Impact or potential impact	Actions to mitigate
	No impact identified	
Marriage and Civil Partnership	Impact or potential impact	Actions to mitigate
	No impact identified	

Under the Welsh Language Standards, EIAs must also consider:

- whether the policy would impact on people's opportunity to a) use the Welsh language in a positive or negative way and b) treat both languages equally;
- how the policy could be changed to have a positive effect or increase the positive effect on a) people's opportunity to use the Welsh language and b) treating both languages equally;
- how the policy could be changed to minimise or remove any adverse effects on a) people's opportunity to use the Welsh language and b) treating both languages equally.

Welsh Language	Impact or potential impact	Actions to mitigate
Identify the impact/potential impact on Bridgend County Borough Council, the Welsh Language, Welsh Culture, Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.	No impact identified	

The following Section only applies where there is a potential impact (negative, positive or neutral) on children

United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC is an agreement between countries which sets out the basic rights all children should have. The United Kingdom signed the agreement in 1991. The UNCRC includes 42 rights given to all children and young people under the age of 18. The 4 principles are:

1. Non-discrimination
2. Survival and development
3. Best interests
4. Participation

This section of the Full EIA contains a summary of all 42 articles and some will be more relevant than others, depending on the policy being considered however, there is no expectation that the entire convention and its relevance to the policy under review is fully understood. The Engagement Team will review the relevant data included as part of its monitoring process. The EIA process already addresses two of the principle articles which are non-discrimination and participation. This section covers “Best interests” and “Survival and development”.

Some policies will have **no direct impact** on children such as a day centre for older people.

Some policies will **have a direct impact** on children where the policy refers to a childrens’ service such as a new playground or a school.

Some policies will **have an indirect impact** on children such as the closure of a library or a cultural venue, major road / infrastructure projects, a new building for community use or change of use and most planning decisions outside individual home applications.

What do we mean by “best interests”?

The “Best interest” principle does not mean that any negative decision would automatically be overridden but it does require BCBC to examine how a decision has been justified and how the Council would mitigate against the impact (in the same way as any other protected group such as disabled people).

- The living wage initiative could be considered to be in the “Best interests”. The initiative could potentially lift families out of poverty. Poverty can seriously limit the life chances of children.
- The closure of a library or cultural building would not be in the “Best interests” of children as it could limit their access to play, culture and heritage (Article 31.)

Please detail below the assessment / judgement of the impact of this policy on children aged 0 – 18. Where there is an impact on “Best interests” and “Survival and development”, please outline mitigation and any further steps to be considered.

Impact or potential impact on children aged 0 - 18	Actions to mitigate
No impact identified	

It is essential that you now complete the action plan. Once your action plan is complete, please ensure that the actions are mainstreamed into the relevant Service Development Plan.

3. Action Plan

Action	Lead Person	Target for completion	Resources needed	Service Development plan for this action
There are no actions arising out of this EIA.				

Signed: 16+ Team Manager

Date: 10.08.18

4. Publication of your results and feedback to consultation groups

It is important that the results of this impact assessment are published in a user friendly accessible format.

It is also important that you feedback to your consultation groups with the actions that you are taking to address their concerns and to mitigate against any potential adverse impact.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT BY THE CORPORATE DIRECTOR OF EDUCATION AND FAMILY SUPPORT

PROPOSED DISAGGREGATION OF YOUTH OFFENDING SERVICES FROM THE WESTERN BAY ARRANGEMENTS

1. Purpose of report

- 1.1 The purpose of this report is to gain approval from Cabinet to disaggregate the Youth Offending Services (YOS) for Bridgend from the Western Bay Youth Justice and Early Intervention Service (WBYJEIS) collaboration.

2. Connection to Corporate Improvement Objectives/other corporate priorities

- 2.1 The report links to the following improvement priorities in the Corporate Plan:

- **Supporting a successful economy**

We will take steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

- **Helping people to be more self-reliant**

We will take early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

- **Smarter use of resources**

We will ensure that all of our resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 Youth offending services/teams are a statutory multi-agency partnership that have a legal duty to co-operate in order to secure youth justice services appropriate to their area. They are funded from a variety of sources including UK Government, Welsh Government and statutory partners (for example the local authority, police, the probation service and health).
- 3.2 Section 39 (1) of The Crime and Disorder Act 1998 places a duty on each local authority, acting with its statutory partners (for example police, probation and health) to establish youth offending teams in their local area to deliver youth justice services.
- 3.3 Bridgend, Neath Port Talbot and Swansea Youth Offending Teams have been in a voluntary, collaborative service since 29 May 2014 when the first WBYJEIS

Management Board was held and all local management boards ceased to exist. The Management Board is chaired by Neath Port Talbot County Borough Council's Director of Social Services, Health and Housing and has a membership in line with the requirements of the Crime and Disorder Act including Cabinet Members from all three local authorities.

- 3.4 All activity of the Youth Offending Services (YOS) across the Western Bay region is overseen and monitored by the WBYJEIS Management Board. There is a Cabinet Member from each local authority on this management board.
- 3.5 The development of regional working came at a time of significant financial challenge for all partners. As the service began collaborating in 2014-2015 each local authority realised a 20% saving against core funding as a result of the amalgamated approach to the delivery of services. The Western Bay service has been continuously undergoing redesign across the three local authority areas responding to opportunities and changes in demand. Subsequent years have shown a year on year reduction in staffing levels from 107 full-time equivalent in 2015-2016 to 84.5 in 2017-2018. The service income has also reduced from £4,230,124 in 2015-2016 to £3,629,749 in 2018-19.

4. Current situation/proposal

- 4.1 In 2018 Welsh Government made the decision to migrate health services for Bridgend from Abertawe Bro Morgannwg Health Board to Cwm Taf Health board to align decision-making across Health and Local Government. This change will take effect from 1 April 2019. It was agreed by all partners at WBYJEIS Management Board level that this would be an opportune time to end the collaboration.
- 4.2 There are only two shared resources, the service manager post (which is currently vacant) and the Promoting Positive Engagement (PPE) grant which is currently awarded to Bridgend on behalf of the three local authorities (LAs). Officers have contacted Welsh Government (WG) to request that the PPE grant is distributed to each individual LA for the financial year 2019-2020 onwards but we have not received confirmation of this arrangement at the time of writing this report. Should we not be able to have the grant allocated in this way, it is proposed that Bridgend will distribute the grant for one transition year by the three LAs entering into a Service Level Agreement (SLA).
- 4.3 If Cabinet approves the disaggregation of the YOS the service will revert to working as a single YOS however discussions have already begun with Cwm Taf YOS and there will be opportunities to collaborate across this boundary on specific projects. Bridgend has an operational manager who has been in post for eight years and following disaggregation the operational manager would be able to concentrate on managing YOS services locally instead of having to split their time across the three LAs.
- 4.4 An existing group manager will be allocated to oversee the service with the support of the Head of Education and Early Help.

5 Effect upon policy framework and procedure rules

- 5.1 There are no effects upon BCBC's Policy Framework or Procedure Rules.

6 Equality Impact Assessment

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics and an EIA status of low priority is considered appropriate at this stage

7. Well-being of Future Generations (Wales) Act 2015 Assessment

7.1 A Well-being of Future Generations (Wales) Act 2015 assessment has been completed and is detailed in Appendix A to this report. A summary of the implications from the assessment relating to the five ways of working is as follows:

7.2 Long-term – It incorporates how funding will be allocated to projects for the financial year and beyond as sustainability of projects is important by covering a summary of achievements; structure and governance; resources and value for money; partnership arrangements; and risks to future delivery against the youth justice outcome measures.

7.3 Prevention – One of Youth Justice key performance indicators is to reduce first time entrants into the youth justice system

7.4 Integration – Through restorative interventions the physical environment can be improved with young people taking ownership of the impact negative behaviour can have, make amends to victims making them feel safe and developing young people’s understanding of their own and other cultures

7.5 Collaboration - Youth Offending Services/Teams (YOTs) are statutory multi-agency partnerships who have a legal duty to co-operate in order to secure youth justice services appropriate to their area

7.6 Involvement – There is a young person’s sub group of the management board who are engaged in decision making including the development of the annual Youth Justice Plan.

8. Financial implications

8.1 The 2018-19 funding for the Bridgend Youth Offending Service is shown in the table below;

	Bridgend YOS £
Youth Justice Grant	193,357
WG PPE Grant	319,641
Other Income *	221,229
LA Core Budgets	384,060
TOTAL FUNDING 2018-19	1,118,287

*Other income includes smaller grants and income from partners regarding shared posts

8.2 All grants except for the Welsh Government Promoting Positive Engagement (PPE) grant are allocated to each respective LA and therefore would not be affected should the service be disaggregated. The PPE grant however is allocated as a regional grant with Bridgend acting as the lead authority. Should the service disaggregate it is

proposed that each LA have their proportion of the grant allocated to them respectively. Welsh Government (WG) has been informed of this intention and we await their response as to whether this can be actioned for the 2019-2020 grant award. Should this not be possible for the 2019-2020 financial year it is proposed that Bridgend enter into a SLA for one year with Neath Port Talbot County Borough Council and the City and County of Swansea Council for the PPE grant only.

- 8.3 As well as awaiting confirmation from WG on the PPE Grant, at the time of writing this report none of the values for the funding of the other grants for 2019-20 have been confirmed. However, the new service will have to operate within the existing resources available, once confirmed.
- 8.4 It is proposed that any arrangements for posts which are currently regionally working will cease and the post remain with their respective parent authority. Bridgend has sufficient funding for all its employees providing there is no reduction to any of the funding streams for 2019-2020.
- 8.5 Should there be any redundancies as a result of the disaggregation these will have to be met by each employing authority, and from Bridgend's perspective from within existing directorate resources.

9. Recommendation

9.1 It is recommended that Cabinet:

- approve the disaggregation of Bridgend Youth Offending service from WBYJEIS by March 2019 as set out in section 4 of this Report; and
- delegate authority to the Corporate Director (Education and Family Support) to agree the terms of and enter into a SLA with Swansea and Neath Port Talbot regarding the PPE grant for one transition year if Welsh Government are unable to split the grant for 2019-2020 in conjunction with the Head of Legal and Regulatory Services.

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Background documents: None

Appendix A

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 ASSESSMENT

Project Description (key aims): The production of a Youth Justice Plan is a statutory duty of the local authority under Part 3, section 40 of the Crime and Disorder Act 1998.

The plan sets out:

- how youth justice services are to be provided and funded; and
- how the Youth Offending Service established by the local authority is to be composed and funded;
- how it will operate; and
- what function it is to carry out.

Section 1

Complete the table below to assess how well you have applied the 5 ways of working.

Long-term

(The importance of balancing short term needs with the need to safeguard the ability to also meet long term needs)

1. How does your project / activity balance short-term need with the long-term and planning for the future?

The purpose of the Youth Justice Service is to ensure that youth justice services are available to young citizens. It is the main vehicle through which youth justice services are coordinated and delivered working to reduce anti-social behaviour (ASB), offending and reoffending amongst children and young people. It incorporates how funding will be allocated to projects for the financial year and beyond as sustainability of projects is important by covering a summary of achievements; structure and governance; resources and value for money; partnership arrangements; and risks to future delivery against the youth justice outcome measures.

Prevention

2. How does your project / activity put resources into preventing problems occurring or getting worse?

<p>(How acting to prevent problems occurring or getting worse may help public bodies meet their objectives)</p>	<p>One of Youth Justice key performance indicators is to reducing first time entrants into the youth justice system. By doing this we</p> <ul style="list-style-type: none"> • Increase opportunities for young people to reach their potential • Reduce the number of victims of crime in the longer term • We achieve a safer community for all • There will be reduced pressure on higher tier services <p>The measurement of success will be:</p> <ul style="list-style-type: none"> • Fewer children and young people entering the youth justice system with increased diversion and increased prevention numbers. • Reduced levels of youth crime. • Early access to services based on early identification of need • Increased parental responsibilities • Increased restorative practises • Increased community reassurance
<p>Integration</p> <p>(Considering how the public body's well-being objectives may impact upon each of the wellbeing goals, on their objectives, or on the objectives of other public bodies)</p>	<p>3. How does your project / activity deliver economic, social, environmental & cultural outcomes together?</p> <p>Providing effective youth justice services has a positive impact on well-being objectives through direct delivery of interventions that improve a young person's access to education training and employment giving them a better chance to be economically independent, through diversion and resettlement work more able to be integrated in their local community, through restorative interventions the physical environment can be improved with young people taking ownership of the impact negative behaviour can have, make amends to victims making them feel safe and developing young people's understanding of their own and other cultures</p>
<p>Collaboration</p> <p>(Acting in collaboration with any other person (or different parts</p>	<p>4. How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</p> <p>Youth Offending Services/Teams (YOTs) are statutory multi-agency partnerships who have a legal duty under the crime and Disorder Act 1998 to co-operate in order to secure youth justice services appropriate to their area</p>

<p>of the body itself) that could help the body meet its well-being objectives)</p>	<p>funded from a variety of sources including UK Government, Welsh Government and the statutory partners. (ie local authorities, Police, HM Prison and Probation and Health).</p> <p>Bridgend, Neath Port Talbot and Swansea Youth Offending Teams have been a merged service since 29 May 2014 when the first Western Bay Youth Justice and Early Intervention Service (the Western Bay Service) Management Board was held and all local management boards ceased. The management board is chaired by the Neath Port Talbot Director of Social Services, Health and Housing and has a membership in line with the requirements of the Crime and Disorder Act 1998 including Cabinet Members from all three local authorities and the Police and Crime Commissioner.</p> <p>The service is represented on all three Community Safety Partnership Boards, the Western Bay Safeguarding Children Board and the Western Bay Area Planning Board, and Supporting People Boards. The service manager has strategic links with the South Wales Criminal Justice and Integrated Offender Management Board, Multi Agency Public Protection Arrangements (MAPPAs), the Youth Justice Advisory Panel and having recently stepped down as chair of YOT Managers Cymru remains involved in areas of practice development across Wales. In each locality it has been important to ensure local relationships are retained which is achieved by linking key members of senior staff to local meetings, the strategic manager maintains links through the Family Support Continuum Steering Group in Swansea, Think Family Executive Group in Neath Port Talbot and the Senior Management Group of Education and Family Support in Bridgend. These meetings are prioritised and provide additional communication links with Public Service Boards.</p>
<p>Involvement</p> <p>(The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves)</p>	<p>5. How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?</p> <p>Engaging young people in decision making and accepting responsibilities for their actions and future is critical to developing skills as constructive members of their community; Article 12 of the UNCRC establishes the right of young people to participate where decisions are being made that affect their future.</p> <p>In January 2018 a young persons sub group of the management board was formed. It is only made up of four young people at present but between them they represent the whole area of delivery ie each local authority, pre-court, post court and exit planning. They meet two weeks before each management board and go through the intended agenda and raise any issues or observations they may have. They receive the minutes and actions taken following on from any suggestions they make for change are fed back. The group is new and still developing.</p>

Section 2 Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use Appendix 1 to help you).

Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there any way to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>With appropriate support for children and young people who may be at risk of offending to ensure that they attend school regularly will improve their wellbeing and relationships within the family and increase their likelihood of being economically involved.</p>	<p>Early intervention may have a positive impact</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>The Youth Justice service staff use their expertise to facilitate behaviour change in attitudes towards attending school regularly. A positive emphasis on attending school and its opportunities for children and young people when they leave the education system is paramount.</p>	<p>Data on school attendance and engagement is a key performance indicator</p>
<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>Children and young people who access the service are promoted to access a wide range of health services including general health, sexual health and mental health services.</p>	

<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>Youth Justice services all children and families irrelevant of their background or circumstances</p>	<p>Increasing engagement will have a positive inclusive effect</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>Youth justice services work to address underachievement, anti-social behaviour and offending they also work with Police and other agencies to ensure that these issues are addressed where required.</p>	<p>Prevention work should have a positive impact on the community</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>Young people who access the service are actively engaged to become involved citizens in all areas including, sports, music and community activity.</p>	<p>Increasing engagement will have a positive inclusive effect</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>Young people who access the service are actively engaged to become involved citizens</p>	<p>Increasing engagement will have a positive inclusive effect</p>

Section 3 Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts

Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there any way to maximise any positive impacts or minimise any negative impacts?
Age:	Yes	No	Early intervention – engagement at an earlier stage will prevent young people from being engaged with anti-social or criminal behaviour
Gender reassignment:	Yes	No	
Marriage or civil partnership:	Yes	No	
Pregnancy or maternity:	Yes	No	
Race:	Yes	No	
Religion or Belief:	Yes	No	
Race:	Yes	No	
Sex:	Yes	No	
Welsh Language:	Yes	No	

Section 4 Identify decision meeting for Project/activity e.g. Cabinet, Council or delegated decision taken by Executive Members and/or Chief Officers

Cabinet

Compiling Officers Name:

Nicola Echanis

Compiling Officers Job Title:

Head of Education and Early Help

Date completed:

29/01/2019

BRIDGEND COUNTY BOROUGH COUNCIL

19 MARCH 2019

REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT

INVITATION OF TENDERS FOR HOME-TO-SCHOOL BUS SERVICE CONTRACTS

1. Purpose of report

- 1.1. To request Cabinet approval for Bridgend County Borough Council (BCBC) to undertake a procurement exercise to invite tenders to bid for contracts for multiple home-to-school bus services, for a term of 5 years with the option to extend by 2 further periods of 1 year. The indicative total value for the full term is £17.9m.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1. This report assists in the achievement of the following corporate priority/priorities:

Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1. The local authority has a statutory duty under the Learner Travel (Wales) Measure 2008 to make suitable transport arrangements to facilitate the attendance of children each day at the relevant places where they receive their education or training. This is primarily achieved via the contracting of transport services from the private sector.
- 3.2. The majority of mainstream pupils are transported in large buses of various sizes. There are currently 79 contracts (each as a separate route) for large buses provided by a number of transport operators, who are predominantly local companies based in Bridgend.

4. Current situation/proposal

- 4.1. The current large bus contracts for home-to-school transport will expire in July 2019. To ensure that the local authority is meeting its responsibilities under the Public Contracts Regulations 2015, the Council's Contract Procedure Rules and to seek value for money, permission is now sought to initiate a new procurement exercise to compete and award these large bus contracts.

- 4.2. The tender will comprise of a schedule of the aforementioned 79 separate routes that will be tendered by the Corporate Procurement Team utilising an open competition advertising at first on 'Sell2Wales' and the 'Official Journal of the European Union' (OJEU). This will be conducted electronically utilising 'eTenderWales'.
- 4.3. In consideration of the market factors of struggling capacity in this sector, the outlined proposal is to conduct a procurement exercise awarding contracts for a term of five years with the option to extend for a further two periods of one year. This will allow the local authority to offer longer contracts to encourage investment, strengthen the existing contractual arrangements and potentially open up the market to new suppliers.
- 4.4. All suppliers who initially meet the specified minimum quality requirements will be required to submit prices for the routes.
- 4.5. Table 1 below outlines the indicative timetable for the procurement exercise.

Table 1 - Indicative Procurement Timeline

Stage	Activity	Completion date
1	Cabinet report approved	19 March 2019
2	Issue Transfer of Undertakings (Protection of Employment) Regulations (TUPE) notice	25 March 2019
3	Publish OJEU Contract Notice	3 April 2019
4	Publication of the Invitation To Tender (ITT) on 'eTenderWales'	8 April 2019
5	Closing date for submissions (at least 30 days after publication)	9 May 2019
6	Open tenders	9 May 2019
7	Evaluation of submissions	10 - 13 May 2019
8	Notification of successful tenderers and feedback	14 May 2019
9	Standstill period	15 May 2019
10	Final award	28 May 2019
11	Publish OJEU Award Notice	29 May 2019

5. Effect upon policy framework and procedure rules

- 5.1. There is no impact on the policy framework and procedure rules.
- 5.2. Current home-to-school bus contracts have been in place for a number of years, and expire in July 2019 with no remaining options to extend the term.
- 5.3. Legal and procurement officers have advised that there is a need to ensure compliance with the Public Contract Regulations 2015, the Council's own Contract Procedure Rules and to demonstrate that the Council is achieving best value for money. Procurement regulations currently require advertisement in the Official Journal of the European Union (OJEU). In addition, the regulations require any procurement process to be conducted in an open, transparent and non-discriminatory manner.
- 5.4. Under the Council's Contract Procedure Rules, any decision to procure services with an estimated value exceeding £5,000,000 must be made Cabinet function.

6. Equality Impact Assessment

6.1. There are no equalities issues related to this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Well-being of Future Generations (Wales) Act 2015 assessment has been completed. A summary of the implications from the assessment relating to the five ways of working is as follows:

Long-term

The identification of an initial term of five years for the contract with the option to extend by two further periods of one year, identifies that the local authority is supporting the sustainability of school bus services and ensuring that local transport operators are able to justify an initial investment in capital assets ie transport vehicles and associated infrastructure, for the medium term.

Prevention

The local authority assesses the suitability of transport operators to deliver home-to-school transport services. The local authority, is now developing training to support operators with training, to enable them to develop and maintain their knowledge and skills, and be successful in fulfilling the role.

Integration

School transport operators have a strategic role in providing a service so that all eligible pupils are supported in accessing their place of education. This ultimately means that learners can learn and achieve so that they can access opportunities for further learning and employment, and can play active roles in their communities, contributing positively to society as a whole.

Collaboration

School transport providers have a strategic role in supporting pupil's access to school. Transport providers need to ensure the health and wellbeing of pupils and staff. The local authority, in conjunction with transport providers, are ensuring that services are improved to meet the needs of all learners.

Involvement

The local authority engages with transport operators on a daily basis.

8. Financial implications

8.1 There are currently 79 routes that will be tendered. The estimated cost of these combined contracts over the period of the tender is detailed in Table 2 below.

Table 2: Estimated cost of large bus tender (over seven years of contract)

Current daily cost of all large bus contracts	Estimated annual cost of all contracts (190 days)	Estimated cost of all contracts over seven years
£13,436	£2,552,840	£17,869,880

9. Recommendation

9.1 Cabinet is asked to:

- authorise the invitation of tenders as set out above; and
- authorise the acceptance of the most economically advantageous tenders received and the award of contracts to the successful bidders following the procurement process.

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Background documents

None

BRIDGEND COUNTY BOROUGH COUNCIL

JOINT REPORT TO CABINET

19 MARCH 2019

REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT AND THE INTERIM HEAD OF FINANCE AND SECTION 151 OFFICER

SCHOOL MODERNISATION PROGRAMME – BAND B

1. Purpose of report

1.1 The purpose of this report is to:

- seek approval to discontinue with the Cabinet decision made on 18 December 2018 in respect of pursuing Option 2 for the financial delivery of Band B of the School Modernisation Programme;
- apprise Cabinet of the change to the Welsh Government (WG) grant intervention rate for the Mutual Investment Model (MIM);
- seek Cabinet approval to pursue Option 3 for the financial delivery of Band B of the School Modernisation Programme, prior to submission to Council; and
- seek Cabinet approval for this Council's participation in the MIM procurement process.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 This report relates to the following Corporate Improvement Plan priorities:

- **Supporting a successful economy** - we will take steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

2.2 On 3 March 2015, Cabinet approval was received for the Council to adopt revised principles as a framework for school organisation in Bridgend. Five key principles were set out to inform the organisation and modernisation of our schools. These are:

- commitment to high standards and excellence in provision;

- equality of opportunity, so that all pupils can access quality learning opportunities, regardless of which school they attend;
- inclusive schools, which cater for the learning needs of all their pupils;
- community-focused schools, where the school actively engages with its local community; and
- value for money.

2.3 The Policy and Planning Framework sets out 17 areas where these principles should be applied in practice.

2.4 The principles which are particularly relevant in the context of Band B are:

- the size of primary schools (to ensure that “all Bridgend’s primary schools are large enough to make the full range of necessary provision”); and
- value for money, efficiency and effectiveness (“narrowing the gap between the most and the least expensive provision currently”).

3. Background

3.1 School modernisation has been established as one of the Council’s main strategic programmes. The programme has been planned and implemented in accordance with the agreed policy and planning framework and has been matched to capital resources identified within the capital programme.

3.2 The programme was established to deliver on several objectives including:

- developing first-class learning environments;
- locating the right number of schools, of a viable size, in the best places to serve their communities;
- making schools an integral part of the life and learning of their communities;
- reducing surplus places and achieving best value for money; and
- make schools more efficient and sustainable.

3.3 In 2010, Cabinet approved the recommended schemes included in each of the four bands of the School Modernisation Programme (A-D) which were subsequently detailed in Bridgend’s 21st Century Schools Strategic Outline Programme (SOP). The SOP was submitted to WG in 2011 and ministerial ‘approval in principle’ was received, subject to the completion of the WG business case process.

3.4 A strategic review into the development and rationalisation of the curriculum and estate provision of primary, secondary and post-16 education undertaken in 2016 identified that there are revised Band B priorities from those identified within the 2010 SOP.

3.5 An updated SOP, which reflects the revised priorities, was submitted to WG in July 2017. Cabinet subsequently approved to discontinue the original Band B schemes identified in November 2010 and approved the revised list.

3.6 Cabinet approved the following schemes, based on the increasing demand for places, the requirement to promote the Welsh language and building condition:

- Bridgend North East (2 form entry (FE)) - capital grant
- Bridgend South East (2.5FE) - capital grant
- Bridgend Special School (270 places) – Mutual Investment Model
- Bridgend West – Welsh-medium (2FE) - capital grant
- Bridgend West – English-medium (2FE) - capital grant

In order to prepare for Band C of the programme, Cabinet also gave approval to undertake area reviews and options appraisal work during the Band B period.

- 3.7 In December 2017, WG 'approval in principle' was received for Bridgend's second wave of investment, which at this stage has an estimated programme envelope cost of £68.2m. Further costs, which are yet to be determined, may be required and these would be associated with additional infrastructure capacity.
- 3.8 In January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme, subject to sufficient resources being identified and allocated to meet the match funding commitment. The overall programme was estimated to be in the region of £68.2m, of which, approximately £43.2m was anticipated to be capital funded (circa £23m funded by Bridgend County Borough Council (BCBC)), the balance proposed to be funded through the WG MIM ie whereby private partners build and maintain schools in return for a fee, and will cover the cost of construction, maintenance and financing the project. The WG MIM intervention rate at that time was 75% and paid to the local authority in the form of a revenue grant. The remaining 25% was to be met from the local authority revenue budgets over a 25-year contract period.
- 3.9 The local authority was required to meet 50% of the up-front capital costs for furniture, equipment and IT. At the end of a specified period of time, the asset would be transferred to the local authority. WG had advised that it will present packages of schemes to the market as design and build projects made up of a number of schemes within a geographical area (including across local authority areas) and be of sufficient monetary size overall in order to attract large companies (eg £100m).
- 3.10 In 2018 WG revised the approach to procuring MIM. A single Private Sector Delivery Partner (PSDP) would be procured to become the majority shareholder in a Welsh Education Partnership (WEP), with local authorities (LAs) and further education institutions (FEIs) together the participants; WG would hold the remaining shares. The WEP would be capable of delivering capital schemes, with the exception of Band B projects. WG's review of MIM identified that special schools were now considered unsuitable for delivery under that funding arrangement.
- 3.11 In November 2018 Cabinet reconsidered the funding options for the programme determining that, having compared the likely cost to the local authority over a 30-year period, delivering Band B via a combined capital and MIM route would make best use of Council's financial resources.
- 3.12 After the November Cabinet decision and prior to Council's meeting, WG announced that they had reviewed their capital grant intervention rate, increasing the rate from 50% to 75% for special school and pupil referral unit schemes, and from 50% to 65% for all other schemes; WG advised that the MIM intervention rate would remain set at 75%.

3.13 In December 2018 Cabinet abandoned the decision made in November (as detailed in 3.11 of this report), and gave approval to pursue an option whereby all schools within Band B would be funded via capital grant, subject to sufficient resources being identified and allocated to meet the match-funding commitment. Council approval to amend the capital programme was subsequently received.

4. Current situation

4.1 On 7 February 2019, WG advised that the Ministers of Education and Finance had made a change to the intervention rate for Band B MIM schemes. The revised MIM funding model will benefit from a 6% increase on the WG grant intervention rate ie from 75% to 81%.

4.2 Due to the change in rate, it is necessary to revisit the funding options available for the delivery of Band B. Officers have re-worked the figures based on the most up-to-date capital and borrowing information currently available; the financial implications of the funding options are detailed within the finance section of this report.

4.3 In progressing Band B MIM there is a requirement for WG to formalise the procurement of the PSDP and consequently WG have asked LAs to confirm their commitment.

4.4 As detailed in section 3.10 of this report, it is the PSDP that will form the Welsh Education Partnership (WEP) with WG and LAs/FEIs; the WEP will deliver Partnering Services under a Strategic Partnering Agreement (SPA).

4.5 The contract notice (which will be published via the Official Journal of the European Union), must stipulate the names of the LAs/FEIs that will be able to access partnering services. WG has indicated that beyond Band B it may be possible to deliver capital (ie design and build projects) via the WEP.

4.6 WG has advised that they will fund the public sector share of working capital in the WEP and therefore they have indicated that they do not anticipate that there will be any cost or risk associated with being named in the contract notice or signing up to the SPA.

4.7 WG has requested that LAs/FEIs consider the three following options available and sign a letter of intent (which has been drafted by WG), in respect of the preferred option, in order to formalise intentions and allow the contract notice and procurement documents to be drafted.

Option 1 Initial Programme Participants - those LAs/FEIs that have indicated as having schemes they wish to deliver via MIM.

Option 2 Potential Future Participants - given the SPA is intended to be 10 years in duration, with the option of a 5-year extension, WG has requested that any future need to utilise Partnering Services is also named in the contract notice. Therefore if this Authority wishes to use the Partnering Services in the future, it is necessary to confirm a willingness to be named in the contract notice and to either:

- commit to signing the SPA with the Initial Participants and the associated implications; or
- reserve the right to sign the SPA at some point in the future, noting that this may give rise to a potential procurement challenge.

Option 3 Non-Participation - where LAs/FEIs are convinced that there is no requirement for the Partnering Services offered by the WEP. A decision not to agree to be named in the Contract Notice means that LAs/FEIs will never be able to utilise the Partnering Services at any point in the future.

4.8 WG have set a deadline for responses to the preferred option of 31 March 2019 which will, to a certain extent, be influenced by the funding decision sought in this report.

4.9 Notwithstanding this, it is necessary for this Authority to be completely satisfied with WGs draft legal documentation in this regard. WG have been asked for sight of the documentation so that it can be reviewed, considered and approved from this Authority's perspective before entering into such a commitment.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the policy framework or procedure rules.

6. Equality Impact Assessment

6.1 An initial screening has been undertaken for Band B. Once schemes have been sufficiently developed, they will be subject to a separate EIAs, as the detail will vary between projects. Equality reports on all proposals will be referred to as part of the individual Cabinet reports on each individual scheme.

7. Wellbeing and Future Generations Act (2015)

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term	Supports the statutory duty to provide sufficient pupil places and promote the Welsh language.
Prevention	Councils have a statutory duty to ensure there are a sufficient supply of school places, and these schemes will safeguards the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places ensures that the curriculum can be delivered and meets social, environmental and cultural objectives.
Collaboration	The local authority works effectively with schools, Estyn and with the Central South Consortium (CSC), health, community councils and many internal and external partners to ensure that the building meets the short-term and future needs of the users and the community which it will serve.

Involvement This area of work involves the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations.

8. Financial implications

8.1 In December 2018 Council approved a programme envelope of £71.3 million, covering Band B new school builds of £68.2 million and potential highways works of £3.1 million. This decision was made following consideration of a number of funding options, as set out below:

Option	Consideration	Capital Grant	MIM
Option 1	Original funding scenario	4 primary schools	Special school
Option 2	All funded from capital grant	4 primary schools plus special school	No MIM schemes
Option 3	Swap 2 primary schools with 1 special school	2 primary schools plus special school	2 primary schools
Option 4	Swap 4 primary schools with 1 special school	Special school	4 primary schools

Council agreed to pursue Option 2, with all schemes funded from capital grant. Based on the increased WG capital grant intervention rate of 65% for the primary schemes and 75% for the special school scheme, this would be funded as follows:

	£
Capital:	
Welsh Government grant	44,784,000
Total BCBC capital contribution	26,516,000
Total capital cost	71,300,000

As indicated in the report in December, any highways works will have to be met in full by the local authority, there is no match funding from WG.

8.2 Since December, the Council has received its final local government settlement from WG, which included additional capital funding for 2018-2019 to 2020-2021. This, along with the recently announced increased intervention rate for MIM schemes, has led to a re-calculation of the financial impact of the different funding models for the proposed Band B schemes – namely, all funded from capital grant, or a combination of capital grant and MIM.

For reference, the table below is replicated from the previous report, outlining the differences between the two funding streams.

Table 1 Comparison of MIM and capital grant schemes

MIM Funded	Capital Grant
Funding	
WG Intervention Rate 81%	WG Intervention Rate 75% special school and 65% all other projects
BCBC recurrent contribution must be funded from revenue.	BCBC contribution can be funded from capital receipts, borrowing (revenue implications) or revenue contribution to capital.
Furniture and equipment funded on 75:25 – specials and 65:35 all other schemes from capital.	Furniture and equipment funded on 75:25 – specials and 65:35 all other schemes from capital.
BCBC responsible for 100% of any “abnormals” or additional design features	BCBC responsible for 100% of any “abnormals” or additional design features.
Design	
The private sector need to take design risk and to respond to an output specification therefore we cannot present a fully designed scheme to the strategic partner.	The Council can design the school in whichever manner it wishes, using whichever architects it wishes, either stand alone or through a design and build.
The approach to design is a standardised one in terms of standard room sizes. We will be able to choose the number and type of spaces you need to deliver a school provided that we adhere to the maximum size and funding criteria.	
We can request a particular architect but the strategic partner does not have to use them.	
Contract	
BCBC tied into a contract for 25 years - business needs change over time so there is the risk that the contract may become unsuitable for these changing needs during the contract life.	Contract period ends when building complete.
Scheme would be delivered via strategic partner procurement. Welsh Government would run a process to procure the private sector delivery partners and local authorities would enter into a project agreement with the ‘Special Purpose Vehicle’.	Scheme either designed by the Major Projects Team in Corporate Landlord and a construction contractor appointed via the South and Mid Wales Collaborative Construction Framework (SEWSCAP), or procured as a ‘design and build’ scheme via the same framework.
A long-term contract encourages the contractor and the Council to consider costs over the whole life of the contract, rather than considering the construction and operational periods separately This can lead to efficiencies through synergies between design and construction and its later operation and maintenance. The contractor takes the risk of getting the design and construction wrong.	The Council bears the risk of getting the design wrong, which could create additional costs further down the road. The Council will also bear additional lifecycle costs following construction which are not built into the original cost.

MIM Funded	Capital Grant
The contract includes provision of Hard Facilities Management services including building maintenance, including all systems eg mechanical and electrical and statutory testing, in addition to energy and utilities supply and management service including energy and water efficiency	These costs will all be the responsibility of the Council/governing body.
Variations may be needed as the public sector body's business needs change. Management of these may require renegotiation of contract terms and prices	Any variations to the build once constructed will also come at a cost.
Payment	
The unitary payment will include charges for the contractor's acceptance of risks, such as construction and service delivery risks, which may not materialise. This is a hidden overhead.	Any on-going charges required for borrowing to meet capital grant match funding will only include interest charges.
The unitary payment will not start until the building is operational, so the contractor has incentives to encourage timely delivery of quality service.	BCBC will start paying for the building as soon as the works commence – design through to construction.
The contract provides greater incentives to manage risks over the life of the contract than under traditional procurement. A reduced level or quality of service would lead to compensation paid to the public sector body.	Once the building is handed over, the Council does not have the same opportunities for compensation for poor performance of the facility.
The unitary charge is payable over the life of the contract (25 years). There is no opportunity to repay this early. This creates a revenue budget pressure on the Council which is committed for a 25-year period.	If the capital contribution is funded from capital, there is no ongoing pressure on the revenue budget. If it is funded from borrowing, there will be an on-going revenue pressure, but the Council has more flexibility to repay any loans early, borrow at reduced rates, as the opportunity arises.
Impact on capital and revenue programme	
The MIM does not impact upon the capital programme in any great way, other than the funding required for furniture and equipment. This could be met from either capital funding or revenue contributions. In contrast, the MIM places a fixed commitment on the revenue budget for a period of 25 years.	If funded via capital grant, the Council can choose to meet its match funding in the capital programme from capital receipts / S106 / revenue contributions or borrowing, so there is much more flexibility in both capital and revenue. If Council wants to fund other capital then there is always the option to borrow or use earmarked reserves to fund.

8.3 Using the recently announced increased intervention rate for MIM schemes (from 75% to 81%), the following table summarises the revised full revenue and capital

implications of each of the available funding options (option 1 has previously been dismissed by WG) .

	Option 2 £	Option 3 £	Option 4 £
Capital:			
Welsh Government grant	45,306,396	31,293,010	18,750,000
Total BCBC capital contribution *	25,993,604	18,349,324	11,507,742
Total capital cost	71,300,000	49,642,334	30,257,742
Revenue:			
BCBC revenue for borrowing	444,749	26,087	0
BCBC revenue for MIM	0	367,210	703,554
Annual revenue funding required	444,749	393,297	703,554

* includes funding for highways works.

It is important to note these costs are estimates based on information available at the current time, and MIM information received from WG, and will change in line with inflationary and interest rates rises

- 8.4 Since December the Council has managed to secure additional capital match funding through the final settlement and increased the capital earmarked reserve. The effect of this has been to reduce any potential borrowing requirement, and therefore impact on future revenue budgets. In reality, the Council would seek to use section 106 (s106) funding, receipts from the sale of school and other sites, and earmarked reserves prior to borrowing. The table is based on the maximum borrowing requirement, and therefore revenue cost, which, in the case of Option 2 could be reduced significantly were additional funding to be secured as outlined above.
- 8.5 The payments for MIM schemes are fixed per annum over the 25 year contract period and cannot be reduced, so the revenue costs of Options 3 and 4 are more rigid compared to Option 2. In addition, as well as being the highest revenue cost option, Option 4 would also present less flexibility in terms of future adaptations to buildings which are located within the areas of growth i.e. north east and south east of Bridgend. Consequently, Options 2 and 3 are the only viable options.
- 8.6 Further analysis of Option 2 and Option 3 is set out in the following table again for information, showing the direct advantages and disadvantages between both options.

	Option 2	Option 3
	All capital grant – no MIM, four primary and one special capital grant	Two primary MIMs, two primary and one special capital grant
Advantages	<ul style="list-style-type: none"> • Greater flexibility in terms of funding sources and repayment • Total flexibility relating to configuration and use of buildings • Can be completed within our own timeframes • Full control over design 	<ul style="list-style-type: none"> • Two buildings which are fully maintained for the 25-year term • Slightly higher intervention rate (81% compared to 65%) for the two MIM builds • Lesser ongoing facilities management commitment (marginal)
Disadvantages	<ul style="list-style-type: none"> • Reliant on individual school to maintain the building • Commitment on Council budgets for any capital works during the lifecycle of the building • Lower intervention rate (65%) for the primary builds 	<ul style="list-style-type: none"> • Still requires capital contribution for furniture and equipment (which is still only funded at 65%) • Fixed revenue commitment over the 25-year period (ie no opportunity for early repayment) • Less control over design of school

8.7 It is likely that Option 2 will require some borrowing to meet the capital commitment, which for Option 3 will be minimal, if at all. However, the annual repayment for the MIM schemes in Option 3 will require a fixed annual revenue commitment for the contract period. A summary of the total cost over a comparative 25-year period is set out below:

Option 2

Annual revenue cost for Option 2 = £444,749 maximum (based on borrowing over 25-years)

Plus additional annual revenue funding commitment for buildings maintenance (which we estimate around £250k per annum for the five new schools)

Option 3

Annual revenue cost for Option 3 = £393,297 maximum (all schemes over 25-years)

Plus additional annual revenue funding commitment for buildings maintenance (which we estimate around £150k per annum for the three non-MIM schools).

	Annual revenue cost	Buildings mtce	Total cost over 25-year period
Option 2	£444,749	£250,000	£17,368,725
Option 3	£393,297	£150,000	£13,582,425

Therefore, the difference over a 25-year period is estimated at £3.76 million with Option 3 being potentially less expensive. However, this is based on the caveat that no further capital funding could be generated, from s106, capital receipts or earmarked reserves, to reduce the borrowing costs in Option 2, and that the estimated annual building maintenance costs of £50,000 per non-MIM school per annum is realistic.

8.8 Whichever option is pursued will create pressure on the Council's capital and revenue budgets. The council is facing revenue budget cuts of around £36m over the next four years, so any additional revenue pressures from either borrowing, or following the MIM route, will only add to the level of savings required to be made.

9. Recommendations

Cabinet is recommended to:

- discontinue with the Cabinet decision made on 19 December 2018 in respect of pursuing Option 2 for the financial delivery of Band B of the School Modernisation Programme;
- note the change to the Band B WG grant MIM intervention rate;
- give approval to pursue Option 3 for the financial delivery of Band B, subject to sufficient resources being identified and allocated to meet the match-funding commitment;
- give approval for a report to be submitted to Council to amend the capital programme to reflect the above; and
- give the Interim Chief Executive authority to sign a letter of intent in respect of the MIM delivery model, subject to the outcome of Legal Services' review and agreement of the WG contract/agreement documentation in this regard.

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Background documents

Council Report (13 September 2006): “LEARNING COMMUNITIES – SCHOOLS OF THE FUTURE – STRATEGY, PRINCIPLES, POLICY AND PLANNING FRAMEWORK”

Cabinet Report (2 November 2010): “THE SCHOOL MODERNISATION PROGRAMME OVERVIEW AND BRIDGEND’S 21ST CENTURY SCHOOLS’ STRATEGIC OUTLINE PROGRAMME SUBMISSION TO WELSH ASSEMBLY “

Cabinet Report (1 September 2015): “STRATEGIC REVIEW INTO THE DEVELOPMENT AND RATIONALISATION OF THE CURRICULUM AND ESTATE PROVISION OF PRIMARY, SECONDARY AND POST-16 EDUCATION”

Cabinet Report (3 October 2017): “SCHOOL MODERNISATION PROGRAMME – BAND B (2019-2024)”

Cabinet Report (30 January 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

Council Report (31 January 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

Cabinet Report (20 November 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

Cabinet Report (19 December 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

Council Report (20 December 2018): “SCHOOL MODERNISATION PROGRAMME – BAND B”

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE HEAD OF PERFORMANCE AND PARTNERSHIP SERVICES

COMMISSIONING AND AWARD OF CONTRACTS IN RESPECT OF THE FAMILIES FIRST PROGRAMME

1. Purpose of Report.

The purpose of the report is to:

- a) Seek approval to continue service delivery based around contract arrangements currently in place for the delivery of Welsh Government funded contract arrangements for Families First for a period of 3 months from 1st April 2019 to 30th June 2019.
- b) On the basis that such approval is granted:
 - suspend that part of the Council's Contract Procedure Rules (CPRs) in respect of the proposed Contracts listed in Appendix 1 of this report in relation to the requirements as to retendering these Contracts.
 - authorise the Head of Performance and Partnership Services to enter into short term contracts with the current providers. Details of these programmes are detailed in Appendix 1.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The continuation of the contracts named above support the achievement of the following corporate priorities:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- Smarter use of Resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.
- Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

3. Background

- 3.1 In January 2017 Cabinet was informed of Welsh Government's intention to make substantial changes to the Families First programme. On concluding its consultation exercise, revised guidance was published late that year with approval being obtained from Cabinet to extend the existing contracts for the 2017/18 financial year and suspend the Council's CPRs to allow implementation of the new guidance, whilst also allowing continuation of service provision to service users.
- 3.2 On 28th March 2018 Cabinet approved the continuation of service delivery for the 2018/19 financial year, extending existing contracts for the twelve month period to March 2019 while Welsh Government undertook a pilot year to trial a new flexible funding arrangement.
- 3.3 With the introduction of flexible funding arrangements in April 2018 Welsh Government issued supplementary guidance to pilot Local Authorities (LAs) to support implementation of flexible funding from 1st April 2018. The flexible funding arrangements provide an opportunity for LAs to identify gaps and overlap in service provision, with the ability to achieve service re-design and 100% funding flexibility across ten anti-poverty programmes.
- 3.4 The year in which flexible funding arrangements has been piloted will shortly come to an end. Following an interim evaluation performed by Welsh Government in conjunction with the seven pilot LAs, Welsh Government announced in December 2018 that the flexible funding arrangements will be rolled out to all 22 LA's from 1st April 2019.

4. Current situation / proposal.

- 4.1 The existing extended contracts in relation to the Families First programme will end on 31st March 2019. The Council would have been expected at this time to re-tender for replacement services in line with the Public Contract Regulations 2015 and our own CPRs.
- 4.2 Whilst a re-tender exercise is essential, the present transition in funding arrangements is a barrier to carrying out the required commissioning exercise at this time. The communication issued from Welsh Government in December 2018 indicated that a new two themed approach to flexible funding will be effective from April 2019, with new guidance being issued in January 2019, along with a single outcomes framework. Welsh Government have requested submission of new delivery plans in early February. This will not allow a sufficient timescale in which to re-tender services from 1st April 2019 taking into consideration the new guidance and single outcomes framework.
- 4.3 For the reasons above mentioned, it is proposed that new short term contracts be awarded to the existing providers to allow sufficient time to undertake the required commissioning exercise in line with the new Welsh Government single outcomes framework and funding guidance.
- 4.4 Cessation of contract arrangements in March would pose a high risk to the on-going delivery of essential services to individuals and families. To ensure service continuity and ensure that staffing disruptions likely to arise from the ending of Contracts is minimised, it is proposed that Cabinet suspends the relevant parts of

the Council's CPRs in respect of tendering and agrees to the awarding of contracts based on current contract arrangements, on a 3-month interim basis.

- 4.5 Appendix 1 of this report provides information on the contract type, the contracted provider and the short term (3 month) value of the Contracts.
- 4.6 Cabinet needs to be aware that, in awarding these short-term contracts to the current providers listed in the Appendix 1, the Council is exposed to the risk of potential challenge from other providers of such services. The Council will be failing to comply with Public Contract Regulations 2015 which implement EU Procurement Directives if it adopts the course of action specified in paragraph 4.4 of this report.
- 4.7 The risk of challenge is not possible to quantify, however, given the current difficulties in the commissioning of the services and the fact that these contracts relate to vulnerable people and families in need of support services, the Council may take the view that the potential for challenge is one it is prepared to accept. Also the relatively short duration of 3 months of these Contracts should decrease the risk of challenge.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs themselves is being sought.

6. Equality Impact Assessment

- 6.1 Families First is an anti-poverty programme directed toward supporting people in need. The impact of the cessation of services provided by its contract arrangements will have a detrimental impact on people living in poverty and many of the protected characteristics.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no impact upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

- 8.1 All services funded via these contract arrangements are funded by Welsh Government grant. Welsh Government has informed the Council of its indicative funding levels at least until the end of March 2020 which provides a slight increase over the 2018/19 allocation of funding.

9. Recommendation.

- 9.1 Cabinet is recommended to:
 - a. suspend the relevant parts of the Council's CPR's in respect of the requirement as to re-tendering of the proposed contracts listed in Appendix 1 of this report;

- b. authorise the Corporate Director Operational & Partnership Services to enter into short-term contracts of 3-months with the current providers in respect of the Contracts listed in Appendix 1 of the report.

Martin Morgans
Head of Performance and Partnership Services

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Background documents

- **Children and Communities Grant 2019-20 guidance issued January 2019**
- **Indicative offer of grant for both Housing Support and Children and Communities**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Communities First, Families First and Supporting People Programme of 31st January 2017**
- **Cabinet Report on the Commissioning and Award of Contracts in respect of the Families First Programme of 28th March 2018**

Appendix 1 - Contract details

Families First Proposed Programme - 2019/20

Contract Element	Contracted Provider	Short Term Contract Value (3-months)
Disability Support Programme	Barnardo's	£41,125
Parenting Support Programme	Action for Children	£33,875
Practical Home Management	Barnardo's	£7,500
Support for Young Carers	Action for Children	£9,750
JAFF/ TAF (including parent school engagement, dad's worker & language & learning elements)	BCBC – Education & Family Support	£230,134
Youth Programmes	BCBC - Education & Family Support	£37,500
Targeted Child and Family Support	BCBC - Education & Family Support	£30,000

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 MARCH 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

INFORMATION REPORTS FOR NOTING

1. Purpose of Report

- 1.1 The purpose of this report is to inform Cabinet of the Information Reports for noting which have been published since its last scheduled meeting.

2. Connection to Corporate Improvement Objectives

- 2.1 The report relates to the Corporate Priority Smarter Use of Resources, ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 At a previous meeting of Cabinet, it was resolved to approve a revised procedure for the presentation to Cabinet of Information Reports for noting.

4. Current situation / proposal

4.1 Information Reports

The following information reports have been published since the last meeting of Cabinet:-

<u>Title</u>	<u>Date Published</u>
Ombudsman Annual Letter 2017-18	13 March 2019
Monitoring Report - Complaints, Freedom of Information and Data Protection	13 March 2019

4.2 Availability of Documents

The documents have been circulated to Elected Members electronically via Email and placed on the BCBC website, and also are available from the date of publication.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 This procedure has been adopted within the procedure rules of the Constitution.

6. Equality Impact Assessment

6.1 There are no negative equality implications arising from this report.

7. Wellbeing of Future Generations (Wales) Act 2015 Implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 There are no financial implications regarding this report.

9. Recommendation.

9.1 That Cabinet acknowledges the publication of the documents listed in this report.

K Watson
Head of Legal and Regulatory Services
13 March 2019

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Background documents: Reports referred to in Paragraph 4.1 of this report.

BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 MARCH 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

OMBUDSMAN ANNUAL LETTER 2017-2018

1. Purpose of report

- 1.1 The purpose of this report is to present the Ombudsman's Annual Letter for 2017-2018 to Cabinet.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 The Public Services Ombudsman for Wales reports annually on the number of complaints against public bodies received by its office.

- 3.2 The number of complaints against the Authority decreased in the period 2017-2018 by 10% from 44 to 40. There were no Public Interest reports against the Authority in this period and only 1 case was taken forward for investigation. Complaints regarding Children's Social Services have halved from 12 to 6 in the past year. Complaints regarding Environment and Environmental Health have increased from 3 to 9.

- 3.3 A total of 4 Code of Conduct complaints against the Authority were received by the Ombudsman's Office in the same period and these are reported on in Section E of the Appendix. Overall the number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils. 42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

4. Current situation/proposal

- 4.1 **Appendix A** provides the Ombudsman's Annual Letter for 2017-2018.

- 4.2 A copy of the Annual Letter was presented to the Standards Committee on 7 March 2019 for information.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the Policy Framework or the Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications.

9. Recommendation

9.1 Cabinet is recommended to note the Ombudsman's Annual Letter attached as **Appendix A.**

Kelly Watson
Head of Legal and Regulatory Services
4 March 2019

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Background documents: None

Our Ref: NB/CW/MA

15 October 2018

Councillor Huw David

Sent by email: Cllr.Huw.David@bridgend.gov.uk

Annual Letter 2017/18

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Bridgend County Borough Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

Overview of complaints

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Bridgend has decreased this year by 10% from 44 to 40. There were no Public interest reports against Bridgend this year and only 1 case was taken forward for investigation. We are further pleased to see that complaints regarding Children's Social Services has halved from 12 to 6 in the past year. However, we would like to draw your attention to the fact that complaints regarding Environment and Environmental Health have increased from 3 to 9.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

Nick Bennett

Public Services Ombudsman for Wales

CC: Darren Mephram, Chief Executive
Charlotte Branford, Contact Officer

Factsheet**A. Complaints Received and Investigated with Local Authority average adjusted by population**

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

B. Complaints Received by Subject

Bridgend County Borough Council	Complaints Received
Adult Social Services	2
Benefits Administration	3
Childrens Social Services	6
Complaints Handling	2
Education	3
Environment and Environmental Health	9
Finance and Taxation	3
Housing	5
Planning and Building Control	5
Roads and Transport	1
Various Other	1

C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Bridgend County	8	10	16	5	0	0	0	0	39
Bridgend County (adjusted)	6	10	13	5	0	1	1	0	34

D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
Local Authority			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Bridgend	3			1				4

F. Town / Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No Action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Brackla	3							3
Bridgend	1							1
Garw Valley	2	1						1
Ogmore Valley	1							1
Pencoed	1							1
Ynysawdre	3							3

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to

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BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO CABINET

19 MARCH 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

MONITORING REPORT – COMPLAINTS, FREEDOM OF INFORMATION AND DATA PROTECTION

1. Purpose of report

- 1.1 The purpose of this report is to report upon the performance of the Information Team in processing Corporate Complaints, Freedom of Information requests and other information requests.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 The Information Team which is comprised of the Information Officer and Information Assistant is responsible for the following areas: Corporate Complaints, Freedom of Information requests, Data Subject Access Requests, and other requests for information from public bodies including requests made under Schedule 2 Part 1 of the Data Protection Act 2018.
- 3.2 The Corporate Complaints Policy requires that the Information Team report to Cabinet at least annually on performance. **Appendix A** includes performance data in relation to the additional areas outlined above as these form a significant part of the work of the team.
- 3.3 There is a legislative requirement to respond to Freedom of Information requests within a 20 working day period and to Data Subject Access requests in 1 calendar month. Information requests from public bodies do not have a statutory response deadline; however the team endeavour to respond to these requests as quickly as reasonably practicable. In line with the Corporate Complaints Policy the Authority should respond to a formal complaint in 20 working days.

4. Current situation/proposal

- 4.1 Appendix A provides a monitoring report for the period 1 January – 31 December 2018.

5. Effect upon policy framework and procedure rules

5.1 There is no effect upon the Policy Framework or the Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications.

9. Recommendation

9.1 Cabinet is recommended to note the Monitoring Report attached as **Appendix A**.

Kelly Watson
Head of Legal and Regulatory Services
4 March 2019

Contact officer: Charlotte Branford
Information and Data Protection Officer

Telephone: (01656) 643565

Email: charlotte.branford@bridgend.gov.uk

Postal address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents: None

BRIDGEND COUNTY BOROUGH COUNCIL**MONITORING REPORT – COMPLAINTS, FREEDOM OF INFORMATION AND DATA PROTECTION****1. Background**

The Information Team based in Legal and Regulatory Services is responsible for processing all formal complaints in line with the Authority's Corporate Complaints Procedure, logging and responding to requests made under the Freedom of Information Act 2000 and Data Subject Access requests made under the Data Protection Act 2018. The Team also process requests for information from bodies such as the Police, HMRC and the NHS.

Complaints

The Corporate Complaints Policy was approved by the Cabinet at its meeting held on 28 May 2013, to take effect from 1 June 2013.

The Policy sets out a two stage process as follows:

- **Informal Complaint Stage**
- **Formal Complaint Stage**

This Policy replaces the previous policy which allowed for a three stage process including the option for a review by an officer appointed by the Monitoring Officer.

There is no option for a Monitoring Officer review in the current Complaints Policy, and complainants are advised to contact the Public Services Ombudsman if they are dissatisfied with the Authority's response. The policy is a national policy required by the Public Services Ombudsman for Wales.

2. Informal Complaints (Stage 1)

The Policy recognises that complaints should be dealt with as quickly as possible and where possible informally as part of the normal working of the Authority. It advises customers to contact the office or officer responsible for the service to provide an opportunity to solve the problem.

3. Formal Complaints (Stage 2)

- 3.1 Formal complaints are received by email, telephone, letter or online complaint form. All formal corporate complaints with the exception of schools and social services (which have their own statutory procedures) are received, logged and acknowledged centrally by the Information Team within 5 working days. These

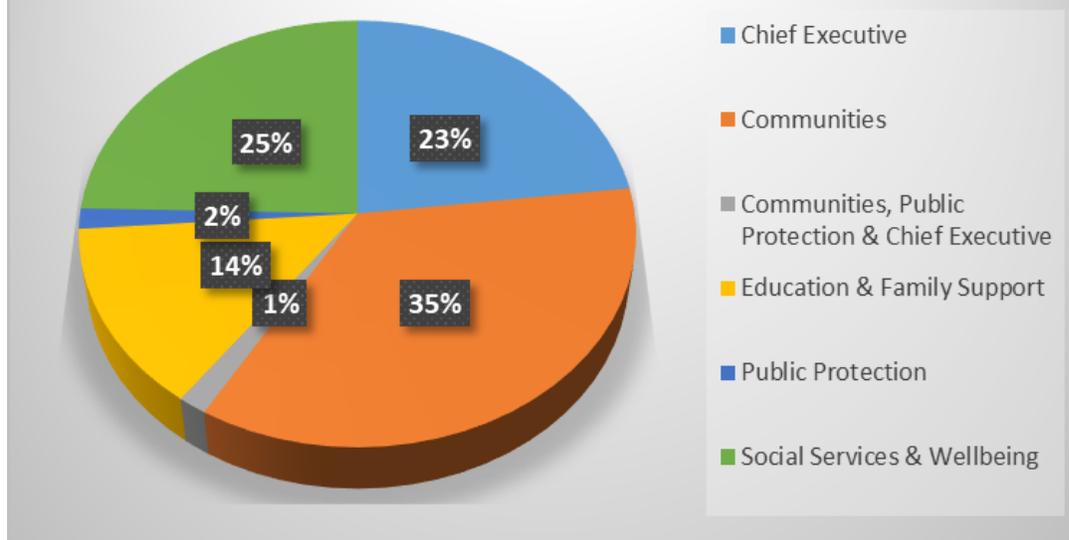
complaints are then sent to the relevant Head of Service concerned for the appointment of a senior officer to investigate the complaint and respond directly within 20 working days. The Information Team is then provided with a copy of the response. If an investigation is more complex and more time may be needed, the customer is advised of the likely timescale and kept informed of progress.

- 3.2 The Information Team has received, logged acknowledged and referred a total of 59 formal complaints for the period from 1 January to 31 December 2018. The breakdown for the period is as follows:

	Jan – Dec 2018
No. of Complaints Received	59
No. acknowledged in 5 working days	52
No. acknowledged outside 5 working days	7

- 3.3 In the 7 instances where complaints have been acknowledged after five working days, it was in cases where complaints had not been sent directly to the Information Team in accordance with the Council's Policy. In some instances the Team were not aware of the complaint until a copy of the response was provided. The relevant Directorates have since been reminded of the process, which has resulted in an increase in compliance with the policy.
- 3.4 For the period from 1 January to 31 December 2018, the number of formal complaints received by each Directorate was as follows:

Complaints - Jan - Dec 2018



- 3.5 For the period 1 January to 31 December 2018 four complaints were received by the Welsh Language commissioner about a service provided by the Authority; these complaints are still being considered by the Commissioner.
- 3.6 As required by the Equalities Strategy, an equalities monitoring questionnaire has been developed to accompany the Corporate Complaints Form. The information collected will inform an annual report.
- 3.7 A breakdown of the complaints received for the period 1 January to 31 December 2018 by service area, is shown in the following table:

Service Area	No. of Complaints
Adult Social Services	2
Blue Badges	1
Children's Social Services	11
Council Tax	5
Customer Services	1
Education	6
Finance	1
Flood Management	1
Green Spaces	1
Highways	3
Housing	3
Housing Benefits	1
Legal & Property	1

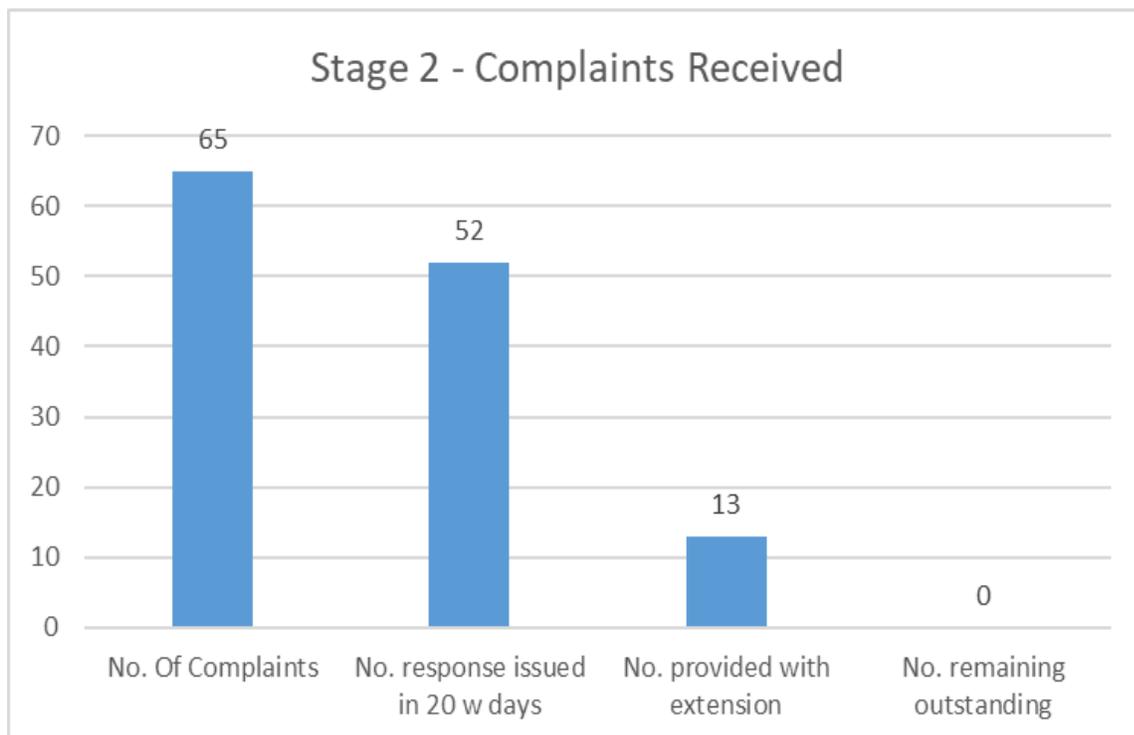
Licensing	1
Parking	1
Parks & Playing Fields	1
Pest Control	1
Planning	8
Planning, Public Protection & Legal	1
Public Protection	1
Rights of Way	1
School Transport	3
Social Services	3
Street Lighting	1
Waste	6

3.8 The following information sets out the breakdown of formal complaints received regarding each County Borough Council Ward shown, which has been requested by elected Members:

Ward	No. of complaints
Aberkenfig	1
Bettws	2
Brackla	5
Bryncoch	1
Bryntirion, Laleston and Merthyr Mawr	5
Caerau	2
Coity	1
Llangeinor	1
Llangynwyd	1
Maesteg West	3
Nantyffyllon	1
Nantymoel	1
Newcastle	2
Nottage	2
Out of County	6
Penprysg	3
Penyfai	4
Pontycymmer	1

Porthcawl East Central	3
Pyle	4
Sarn	1
Unknown/by e-mail	15
	65

3.9 The chart below provides a breakdown of the number of formal Complaints received, those responded to within 20 working days, those for which it was necessary to request an extension to the response deadline, those that remain outstanding and those complaints currently under investigation within the respective 20 working days.



4. Complaints made to the Public Services Ombudsman for Wales

4.1 Customers have the right at any stage to refer their complaint to the Public Services Ombudsman for Wales for his consideration of maladministration e.g. unfairness or delay. However, the Ombudsman will usually give the Authority a reasonable opportunity to investigate and respond to a complaint, before he investigates.

4.2 The Public Services Ombudsman for Wales received 29 complaints about the Authority during the period January to December 2018, of these 3 were resolved by means of an early resolution proposed by the Ombudsman's office, 7 were classed as 'premature' and referred back to the Authority for investigation, 1 is ongoing at the time of reporting and the remainder did not proceed to investigation. A breakdown of the complaints by service area is set out below. In 4 cases it was not possible to identify the service areas as the information was not provided by the Ombudsman's Office.

Housing Benefits	1
Children's Social Services	4
Council Tax	3
Education	2
Employment issue	1
HMO Enforcement	1
Housing	2
Insurance Services	1
Land Drainage	1
Licensing	3
Planning	1
Rights of Way	1
Street Lighting	1
Waste	3
Service area not specified	4
Total:	29

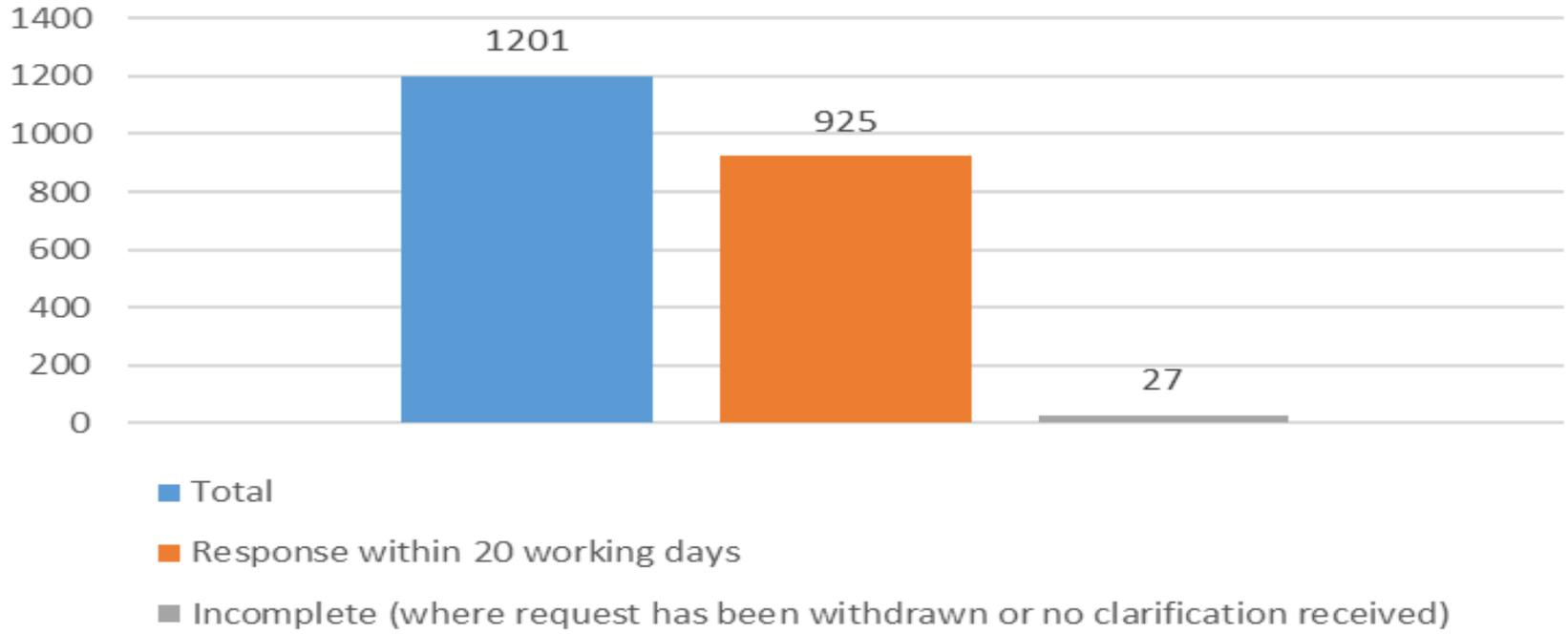
5 Code of Conduct Complaints

5.1 During the period January to December 2018 there were 8 complaints to the Ombudsman that a Community Councillor or County Borough Councillor had broken the Model Code of Conduct.

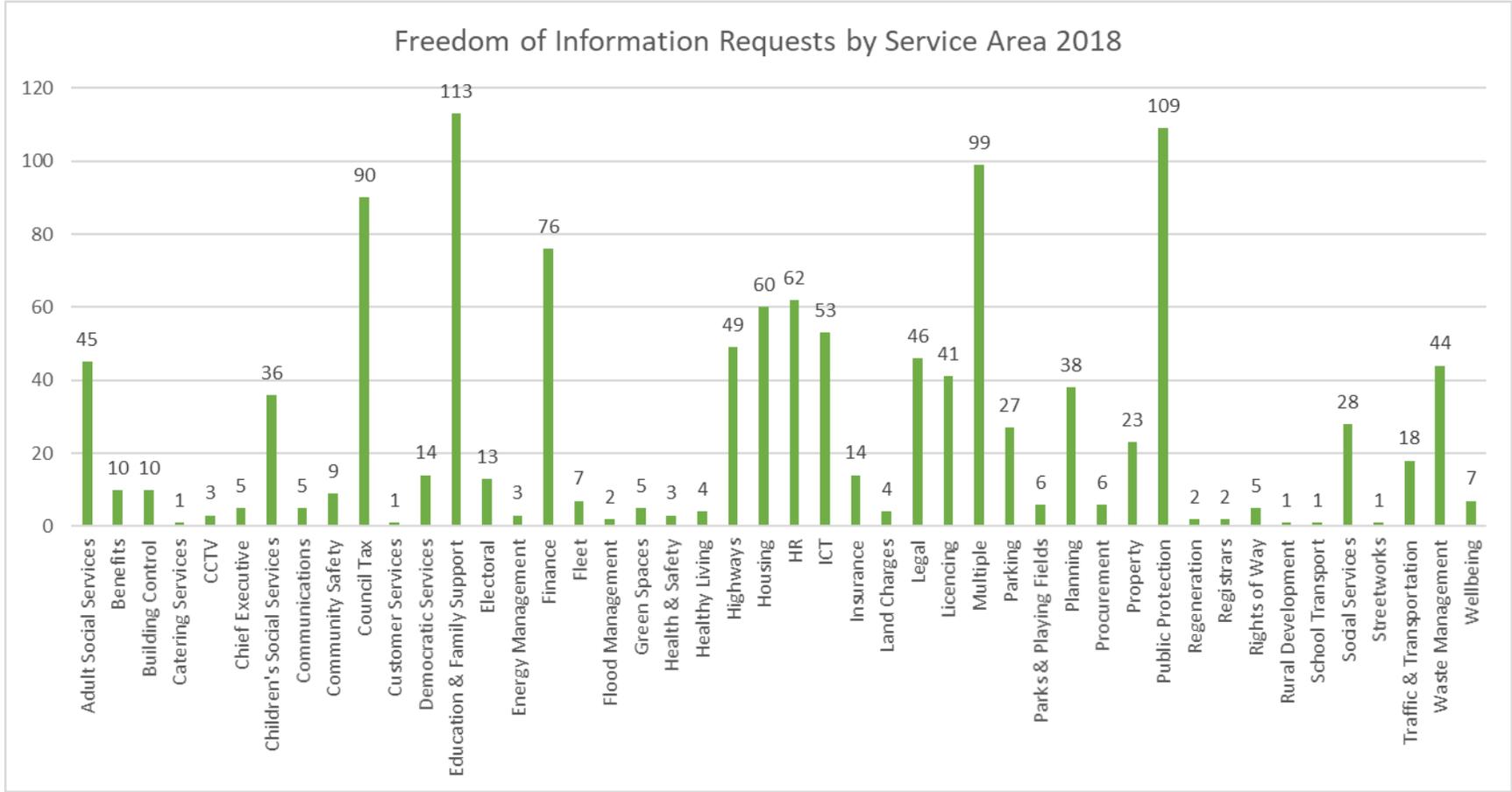
6 Freedom of Information Requests

6.1 During the period January – December 2018 the Information Team logged and acknowledged a total of 1201 requests made under the Freedom of Information Act 2000. The chart below illustrates the number of responses provided within the statutory deadline of 20 working days. There were 8 internal reviews requested during January 2018-December 2018. A requester may ask for a review to be undertaken if they are not satisfied with the Authority's response, and these are generally undertaken by the Principal Solicitor. All internal reviews were responded to in 20 working days as recommended in the guidance provided by the Information Commissioner's Office. No requests resulted in a complaint to the Information Commissioner's Office.

Freedom of Information Requests 2018



7 Service Area Breakdown



7 Data Subject Access Requests

7.1 During the period January to December 2018 the Information Team processed a total of 66 data subject access requests.

8 Information Requests from Public Bodies

8.1 During the period 1 January to 31 December 2018 the Information Team processed 101 requests for information from public bodies including UK Police Forces, Health Boards, HMRC, other local authorities, the Health and Safety Executive and the Probation Service. The majority of requests were made under Schedule 2, Part 1 (2) of the Data Protection Act 2018 (Crime and Taxation exemption).

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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