

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2 - MONDAY, 8 JANUARY 2018

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2
HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB
ON MONDAY, 8 JANUARY 2018 AT 09:30**

Present

Councillor CA Green – Chairperson

TH Beedle	MC Clarke	J Gebbie	M Jones
MJ Kearn	JE Lewis	KL Rowlands	SG Smith
G Thomas	KJ Watts		

Apologies for Absence

DBF White

Officers:

Julie Ellams	Democratic Services Officer - Committees
Gail Jewell	Democratic Services Officer - Scrutiny

Invitees:

Cllr PJ White	Cabinet Member Social Services & Early Help
Susan Cooper	Corporate Director - Social Services & Wellbeing
Jackie Davies	Head of Adult Social Care
Carmel Donovan	Group Manager - Older People
Julie Ellams	Democratic Services Officer - Committees
Gail Jewell	Democratic Services Officer - Scrutiny

21. DECLARATIONS OF INTEREST

None

22. APPROVAL OF MINUTES

- RESOLVED:
1. That the Minutes of the meeting of the Subject Overview and Scrutiny Committee 2 of 7th December 2017 be accepted as a true and accurate record.
 2. That the information requested at the 7th December 2017 meeting regarding the request for a Council Transport Unit representative and Scrutiny Members to sit on the Task and Finish Group and the actual figure for Sickness Absence, be provided to the Committee.

23. FORWARD WORK PROGRAMME UPDATE

The Scrutiny Officer presented the items prioritised by the Corporate Overview and Scrutiny Committee to this Overview and Scrutiny Committee, items for comment and prioritisation and asked the Committee to identify any further items for consideration

In relation to the Economic Prosperity of Bridgend County Borough report scheduled for 7 February 2018, Members requested that the following information also be included:

- Impact of BREXIT on EU Funding;

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- Impact of BREXIT on current Worklessness Programmes;
- Statistics concerning the Worklessness Programmes.

The Committee highlighted Safeguarding as a priority to be presented to the Corporate Overview and Scrutiny Committee for formal prioritisation and identified Schools Standards Report 17/18 and ALN Reform for webcasting.

RESOLVED:

1. In relation to the Economic Prosperity of Bridgend County Borough report scheduled for 7 February 2018, Members requested that the following information also be included:
 - Impact of BREXIT on EU Funding;
 - Impact of BREXIT on current Worklessness Programmes;
 - Statistics concerning the Worklessness Programmes.
2. That Safeguarding be highlighted by the Committee as a priority to be presented to the Corporate Overview and Scrutiny Committee for formal prioritisation.
3. That the Schools Standards Report 17/18 and ALN Reform be identified as suitable for webcasting.

24. REMODELLING OLDER PERSONS ACCOMMODATION

The Head of Adult Social Care presented a report requesting pre-decision scrutiny from Overview and Scrutiny Committee 2 in respect of a recommendation to tender as a going concern, one of BCBC's internal residential care homes which was currently in-scope for the Extra Care Housing scheme plans. In July 2017 a report was presented to Cabinet advising then of the potential option to tender Ty Cwm Ogwr care home as a going concern. Targeted engagement and consultation was undertaken and the results were outlined in the report. The Head of Adult Social Care outlined the indicative procurement timetable, the benefits and risks of the proposal.

She explained that in light of the positive response to the proposal received from those directly affected, the report recommendations were to note the information contained in the report; to provide feedback in respect of the recommendation to tender Ty Cwm Ogwr as a going concern and to note that Cabinet would receive a report in February 2018 outlining the results of the consultation and feedback from scrutiny and seeking approval to go out to tender.

A member asked if it would be possible for details of the current and proposed staffing structures to be circulated. The Head of Adult Social Care explained that the current structure could be circulated but it would be for the new provider to create a new structure.

A member asked if it would be possible for a committee member to sit on the procurement panel as an observer to see exactly what was being procured. The member was advised that legal advice would be sought to see if this was possible. There were concerns about setting a precedent and if the process allowed observers although it was recognised that this would improve openness and transparency. The Cabinet Member for social Services and Early Help explained that the report would be considered by Cabinet and a number of Cabinet Members were already involved in the procurement process. The Head of Adult Services added that discussions were ongoing

with procurement to allow families to be part of the process and this could be extended to include an update to scrutiny.

A member welcomed the general direction of travel but requested more information on how the savings had been identified. He was concerned as to how the same staff on the same contracts with the same salaries working in a property that required investment could provide a comparable service.

Members asked who would take responsibility for redundancy payments following the transfer of staff and how terms and conditions compared to the current packages. The Head of Adult Services explained that the financial implications were included in the report. Discussions were ongoing regarding transitional arrangements. Independent providers had different opportunities with economies of scale and maximising the use of the site. The specification would include responsibility for redundancy costs and liability would transfer to new provider. Staff would transfer under TUPE however nursing placements would be funded in a different way and there would be no cost to the authority.

The Head of Adult Services added that BCBC had been approached by an independent provider, keen to purchase a home as a going concern. The independent provider had a very good reputation in Bridgend but the tender needed to be open to all providers.

A member asked for clarification regarding responsibility for redundancy costs should the new provider make a number of staff redundant six months after transfer. The Corporate Director – Social Services and Wellbeing explained that the receiving authority would be responsible for those costs. The new provider would make changes to the scheme and would enter into consultation with staff (who were already aware of the plans). The service had been discussed in detail and advice sought regarding the transfer of staff and residents into the new scheme. A detailed consultation had taken place with staff and residents and when the new provider was known, further consultation would be undertaken.

A member raised concerns about the shortage of beds and asked if places could be secured for Bridgend residents. The Head of Adult Social Care explained that provision needed to be built into plans going forward. Beds could be booked but if they were unoccupied for any time then fees would remain payable. There was always a waiting list so this should not be an issue.

A member asked why there was no in house model and stated that from her experience, staff in similar circumstances lost a third of their wages and she could not understand why somebody would approach the authority to take a home as a going concern. Members were concerned about staff and access to the pension scheme and that when a service had been tendered out, there was no control regarding terms and conditions for the transferred staff.

The Corporate Director – Social Services and Wellbeing explained that Bridgend was moving into extra care and modernising its provision. Reports had previously been submitted about residential care including the number of vacancies which were not sustainable going forward. When the extra care schemes were up and running, residents would be transferred into extra care homes which would have dual registration.

The Cabinet Member for Social Services and Early Help confirmed that this matter would be considered at Cabinet and the happiness of staff and extensive consultation would be considered in detail. TUPE arrangements would be carefully monitored and would form part of the tender.

A member raised concerns about the poor response to the survey and that there had to be due diligence to ensure the private sector did not fail in its safeguarding

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responsibility. There was an element of risk and this had to be mitigated in the procurement process. Safeguarding had to be at the forefront of everything we did and outsourcing could be an issue.

The Corporate Director Social Services and Wellbeing welcomed the comments from the committee. The issue of Safeguarding needed to be covered in the report including that safeguarding and the contract team worked closely together and that procedures had been strengthened enormously. If a provider failed then premium payments would be attached.

The Head of Adult Social Care explained that in addition to the survey results, they had spent time on site discussing proposals with staff and they appeared to be very positive about the future of the home. Communication had been ongoing for a long time. A member suggested that the report be updated to reflect this because it was important to have a true picture.

A member asked if Rhondda Cynon Taff (RCT) had been included in discussions regarding service modelling and transition arrangements. The Corporate Director Social Services and Wellbeing explained that RCT were not yet in the same position as BCBC but they had started attending meetings and links had been established.

A member raised concerns that there were no specific plans covering Porthcawl, Bridgend and Pencoed. The Corporate Director Social Services and Wellbeing explained that she would like to see plans extended to these areas but they were restricted. Independent providers such as McCarthy and Stone already provided facilities in Porthcawl.

A member stressed how important it was to identify suitable sites in the LDP to future proof the authority.

Remodelling Older Persons Accommodation

Members wished to make the following comments and conclusions:

- a) The Committee was reassured to hear of the Trade Unions involvement during the targeted engagement process and also throughout the ongoing consultation to support the employees of Ty Cwm Ogwr.
- b) Members expressed concerns regarding the response rate of 1 in 3 for both staff and families and therefore recommend that further detail is provided to Cabinet regarding the outcome from the full day drop in sessions; offer of 1:1 meetings and any further contact made with residents, their families and staff. On the subject of lack of contribution to the survey, the Committee recommend that the importance of feedback from respondents is emphasised in any further consultation to allow Members to have a greater understanding on local concern and representations.
- c) The Committee note that there is currently work ongoing with Procurement in considering how families of residents and staff members can be a part of the tender process and Members have requested that this inclusion is extended to a Member of the Committee to observe the procedure.
- d) Members welcomed the proposal but highlight the need for transparency in relation to how the savings will be achieved and therefore recommend that further detail be provided regarding the potential savings within the report to Cabinet.
- e) Members of the Committee recommend that the Directorate ensure that specifications for the new provider are clear and robust to ensure the standard of service

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provision is adhered to. Also, with reference to the position of Ty Cwm Ogwr being close to the boundary of Rhondda Cynon Taff and Neath Port Talbot, the Committee further recommend that a percentage of the provision of EMI beds are held for the residents of Bridgend.

f) The Committee note that all staff employed at Ty Cwm Ogwr will TUPE across to the new provider at contract commencement, however due to previous outsourcing experience, Members were keen to ensure that within reason, staff current terms and conditions were maintained.

g) With reference to the identified risks with the proposal, Members emphasised the need for safeguarding to be at the forefront of all discussions and recommend that safeguarding is referenced within the report to Cabinet, along with any mitigating factors.

h) During discussions regarding possible future provision of Extra Care Housing, concerns were raised in that there is currently no ECH in close proximity to Porthcawl, Bridgend or Pencoed. Members therefore recommend that the Social Services Directorate work more closely with the Planning department to develop the Local Development Plan to ensure suitable sites are identified.

Additional Information

- Members have asked to receive the current staffing structure for Ty Cwm Ogwr.

25. **URGENT ITEM**

There were no urgent items.

The meeting closed at 11:00