

CABINET - TUESDAY, 10 MARCH 2020

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 10 MARCH 2020 AT 14:30

Present

Councillor – Chairperson

CE Smith
RE Young

PJ White
HJ David

HM Williams

D Patel

Officers:

Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Julie Ellams	Democratic Services Officer - Committees
Mark Shephard	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Lindsay Harvey	Corporate Director Education and Family Support
Jackie Davies	Head of Adult Social Care
Nicola Bunston	Consultation Engagement and Equalities Manager
Pete Tyson	Planning and Contract Management Officer

486. DECLARATIONS OF INTEREST

Item 5, Care Home Contracts and Pooled Fund Requirements - Cllr Hywel Williams declared a personal interest in this item because he had a relative residing at Ty Cwm Ogwr.

487. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 11 February 2020 be approved as a true and accurate record.

488. CARE INSPECTORATE WALES (CIW) NATIONAL INSPECTION

The Leader welcomed Katy Young, Inspector, Care Inspectorate Wales (CIW) to the meeting.

The Inspector, CIW, gave a presentation to Cabinet outlining the strengths and areas for improvement following an inspection of BCBC's Older Adults services carried out in September 2019. At the time of the inspection, plans for improvement were already in place and some of the findings reflected the work they already intended taking forward. New boundaries had been introduced and they recognised that both operationally and strategically, this had been a significant piece of work.

The Inspector, CIW added that it had been a pleasure to undertake the inspection and staff and managers were positive and keen to do what needed to be done.

The Leader thanked the Inspector for the positive overview and for recognising that the authority was seeking to improve.

The Cabinet Member for Social Services and Early Help explained that he was pleased with the report and proud of the staff, particularly in light of 10 years of austerity and a restructure. The whole service was changing in Wales and partnership working had a significant role in this.

The Deputy Leader added that these were unprecedented times in terms of pressure on resources. He was pleased with the report which provided both confidence and satisfaction. He asked if there had been any feedback on the action plan. The Inspector, CIW, replied that they were satisfied that the action plan met requirements and it was just a question of how it would be implemented.

The Head of Adult Social Care explained that the inspection had been robust, fair and balanced and that there had been a number of key findings as detailed in the report. The action plan to address these findings consisted of 17 actions across 4 themes.

The Corporate Director Social Services and Wellbeing reported that she was pleased that BCBC had been seen as a learning organisation and that there had been full engagement with all the staff. There were concerns regarding capacity across Wales and discussions were ongoing regarding profiling, pay and conditions. A Joint Strategy was currently out for consultation. It was recognised that grant money impacted on their ability to recruit. They also had to be more innovative in the way they recruited such as using Facebook and LinkedIn. She thanked CIW for the way they had conducted the inspection and said that it had been a positive experience.

The Cabinet Member for Communities welcomed the report particularly in light of 10 years of austerity. The comments contained within the report were as expected. The Inspection had been undertaken during a period of great change and he was proud of staff and the position they had found themselves in.

The Cabinet Member for Wellbeing and Future Generations asked when the next inspection would take place. The Inspector, CIW explained that there was a 4 year programme and also focussed activity and thematic activities each year. Time was allowed to make improvements between visits and to further the authorities own agenda.

The Leader added that regular, open and constructive engagement helped both parties to work together.

RESOLVED: Cabinet noted the report.

489. CARE HOME CONTRACTS AND POOLED FUND REQUIREMENTS

The Group Manager – Commissioning Contracts & Performance presented a report updating Cabinet on Local Authority responsibilities in respect of the commissioning of residential and nursing care home services, following the implementation of the Social Services and Wellbeing (Wales) Act 2014.

The report also sought approval to continue the waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services for a further one year period and to enter into new contracts with existing residential and nursing care providers, and enter into contracts with any new providers identified by the Local Authority, for a contract period of one year; to implement and make payments to care homes against a revised Care Home Standard Price Schedule for 2020/21 and to enter into a Pooled Fund Agreement and arrangements for older people's care home accommodation functions with Cwm Taf Morgannwg partners.

The Group Manager – Commissioning Contracts & Performance outlined the background and the current position with regard to care home contracts. He reported a correction to the report, paragraph 4.11 – "This initial engagement is being followed up with a final draft being circulated in February 2020" which should read "March 2020". He explained the Care Home Price Schedule 2020/21, third party top-up additional costs charges and how BCBC's 2019-20 rates compared with national averages. He reported

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on the requirement to establish and maintain a regional pooled fund in relation to the exercise of their care home accommodation functions for older people. He added that a draft pooled fund agreement based on the terms of the existing Cwm Taf arrangement had been prepared and was currently subject to review and agreement.

The Cabinet Member for Social Services and Early Help reported that this was a comprehensive report outlining what the authority delivered and where the authority sat in Wales. A cost pressure of £157k had to be met through existing resources and/or by making efficiencies elsewhere within the directorate. It was helpful to have pooled funding arrangements in place and with rising costs for nursing care provision, they had to identify what care was available above the 420 existing placements.

The Group Manager – Commissioning Contracts & Performance replied that they were in the process of reviewing placements and looking to work with additional care home providers.

The Cabinet Member for Wellbeing and Future Generations asked if there was already a pooled fund in Cwm Taf. The Group Manager – Commissioning Contracts & Performance explained that there was a pooled fund in place and the two other authorities were already in it. He had already attended some of the meetings so had a good idea of how it worked.

The Corporate Director Social Services and Wellbeing confirmed that there was a requirement across Wales for everyone to enter into a pooled arrangement. They had not entered into a pooled arrangement yet because they were in the process of moving to Cwm Taf.

The Deputy Leader asked if the list of existing residential and nursing care providers contained within the report, was a definitive list. The Group Manager – Commissioning Contracts & Performance replied that it was a list of accredited and contracted providers. If demand increased, they would look to enter into contracts if need dictated.

The Leader asked about a premium payment for providers who provided a higher level of care and the Funded Nursing Care (FNC) component. The Group Manager – Commissioning Contracts & Performance explained that a review was being undertaken by Welsh Government and then he outlined the way it was calculated and he confirmed that it had been budgeted for. He added that robust monitoring visits were in place and there were regular meetings with care providers. Systems were in place to escalate concerns including suspending admissions if necessary.

RESOLVED:

Cabinet:

- Gave approval to continue the waiver under Contract Procedure Rule 3.2.3, from the requirement to competitively tender the provision of residential and nursing care home services for a further one year period.
- Gave approval to enter into new contracts based on the agreed common contract and specification with existing residential and nursing care providers (Appendix 1), and to enter into contracts with any new providers identified by the Local Authority, for a contract period of one year.
- Noted that during that one year period Officers would monitor the effectiveness of the new regional contractual terms and conditions, liaise with existing accredited service providers and consider the viability of establishing an openly procured flexible framework of care home providers based on the terms and

conditions of the regional contract and specification for a longer term duration.

- Gave approval to implement and make payments to care homes against a revised Care Home Standard Price Schedule for the 2020/21 financial year – paragraph 4.22.
- Delegated 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 Pooled Fund Agreement and arrangements for older people's care home accommodation functions with regional (Cwm Taf Morgannwg) partners.

490. DEVELOPMENT OF STRATEGIC EQUALITY PLAN 2020-2024

The Consultation, Engagement and Equalities Manager presented the Council's Strategic Equality Plan 2020-2024 to Cabinet for approval. An error was identified in the report, bullet point 5 on page 73 of the agenda pack should read "we have recently consulted on proposals" not "in 2018/19 we consulted on proposals".

The Consultation, Engagement and Equalities Manager outlined the consultation and engagement exercise and advised that objectives had been set in line with the findings of EHRC "Is Wales Fairer?" report and public consultation. She outlined the 6 overarching objectives developed to reflect the views of residents and stakeholders from across the county borough. This formed the basis for the council's consultation exercise which began on 23 December 2019 and ended on 9 February 2020. In total the Council engaged with 220 residents and received 424 responses to the survey. The survey responses received and the feedback gained were used to support the final development of the equality objectives.

The Consultation, Engagement and Equalities Manager explained that a detailed action plan would be developed during May and June 2020 outlining the specific tasks and actions to be undertaken over the next 4 years and would be outcome focussed. The final action plan would be presented to Cabinet Equalities Committee for Approval in July 2020.

The Cabinet Member for Wellbeing and Future Generations stated that this document had a different feel to the one they inherited and she could see that a lot of work had been invested in it. The document also had synergies with Welsh Government objectives and was a lot clearer for members of the public to understand.

The Leader agreed that a lot of work had gone into the development of the document and more importantly, the action plan. He asked how the values, objectives and vision would be implemented. The Consultation, Engagement and Equalities Manager explained that the final action plan would provide this detail. CMB would have a role in monitoring the impact.

The Consultation, Engagement and Equalities Manager added officers had to challenge themselves and be inspirational when considering reporting and monitoring processes and this was reflected in the action plan.

The Leader stated that he was keen for the authority to explore the "Show Racism the Red Card" with young people because this continued to be an increasing problem. The Consultation, Engagement and Equalities Manager replied that a commitment had been made to continue to work with schools and to enable school based staff to offer training to make it more sustainable.

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The Chief Executive explained that a request had been made for an Executive Summary and that could add value and make the document more accessible. Members discussed the documents created by other authorities and the importance of focusing on actions. The Leader suggested that work around refugees, the opening of the Learning Resource Centre and the commitment to develop welsh medium childcare be added to the document.

RESOLVED: Cabinet approved and adopted the authority's Strategic Equality Plan 2020-2024.

491. SCHOOLS ADMISSIONS POLICY 2021-2022

The Corporate Director – Education and Family Support presented the Schools Admissions Policy 2021-2022 for Cabinet approval. He explained that the Code included practical guidance and imposed requirements on local authorities and admission authorities regarding the discharge of duties in respect of school admissions. The local authority was required to annually publish an admission policy and guidance on admission arrangements for its schools.

The Corporate Director – Education and Family Support explained that the consultation period for the 2021-2022 policy was 20 January 2020 to 17 February 2020 and that no representations were received from stakeholders.

The Cabinet Member for Education and Regeneration explained that there were no material changes to the policy however this document presented the information more clearly in particular the criteria and key messages.

The Leader added that a parent should not assume that their child would automatically be offered a place at each stage of their education and that an application had to be made. He referred to the section on “Children of serving UK service personnel and other serving Crown Servants (Including diplomats)” and the excepted status for infant class size limits and asked if this group was prioritised in the oversubscription criteria. The Corporate Director – Education and Family Support replied that it was not and that the oversubscription criteria was in a common format compliant with the code.

The Leader asked the Corporate Director – Education and Family Support if the local AM's and MP's had been consulted on the Code. He replied that they had had the opportunity to respond to the consultation online.

The Deputy Leader asked how the school catchment areas were defined. The Corporate Director – Education and Family Support replied that they were mainly historic and that subject to a forthcoming decision regarding home to school transport, they could look to revisit or change the policy in the future. They had to reflect geographical constraints, convenience for parents, safe walking routes and transport. The only changes to catchment areas in recent times had been following the completion of a new school or a policy change.

RESOLVED: Cabinet approved the Schools Admission Policy 2021- 2022.

492. RENEWAL OF INSURANCE COVER

The Chief Executive presented a report informing Cabinet of the result of the retender exercise for the Motor, Fidelity Guarantee, Computer, Engineering Inspection, Personal Accident & Travel, and the School Journey policies and seeking 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.

The Chief Executive explained that whilst the Council's insurance cover was subject to long term agreements with providers, the Council was required each year to agree annual premiums and associated claims handling costs for each policy in accordance with those agreements. The policies detailed above were subject to long term agreements due to expire on 30 March 2020. A retender exercise had therefore been carried out for these policies via the National Procurement Service Insurance Services Dynamic Purchasing System.

The Deputy Leader stated that he had noted that there had been some "eye watering" increases such as the 72% increase for Personal Accident and Travel however this was the most competitive tender that was available.

RESOLVED: Cabinet approved the acceptance of the quotations in paragraphs 4.1 and 4.3 and the renewal of the insurance programme through Marsh UK Limited as the Council's appointed Insurance Broker.

493. INFORMATION REPORT FOR NOTING

The Chief Officer – Legal, HR & Regulatory Services presented a report to inform Cabinet of the information report for noting which had been published since its last scheduled meeting.

The Leader commended all three schools on the judgements made following the recent inspections; Tondu Primary School, Archbishop McGrath Catholic High School and Coety Primary School.

RESOLVED: That Cabinet noted the report.

494. 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 contained exempt information as defined in Paragraph 14 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the following item in private, with the public excluded from the meeting, as it was considered that in all circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants so mentioned.

495. ESTABLISHMENT OF A FRAMEWORK AGREEMENT FOR THE PROVISION OF SUPPORTED LIVING SERVICES

496. URGENT ITEMS

The meeting closed at 16:40