

Public Document Pack

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



www.caerphilly.gov.uk
www.caerffili.gov.uk

For all enquiries relating to this agenda please contact Charlotte Evans
(Tel: 01443 864210 Email: evansca1@caerphilly.gov.uk)

Date: 11th March 2021

Dear Sir/Madam,

A Special digital meeting of the **Cabinet** will be held via Microsoft Teams on **Wednesday, 17th March, 2021 at 10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Cabinet will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Christina Harrhy', enclosed in a large, loopy oval shape.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To note the Cabinet Forward Work Programme.

3 Cabinet Forward Work Programme. 1 - 4

To receive and consider the following reports on which executive decisions are required: -

4 Interim Report from Task and Finish Group on Non-Residential Care Charges. 5 - 16

5 Publication of Gender Pay Gap Data 2020 - Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. 17 - 26

Circulation:

Councillors S. Cook, N. George, C.J. Gordon, P.A. Marsden, S. Morgan, L. Phipps, J. Ridgewell, Mrs E. Stenner and R. Whiting

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

You have a number of rights in relation to your information, including the rights of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please view the [Full Committee Meetings Privacy Notice](#) on our website or contact Legal Services by email griffd2@caerphilly.gov.uk or telephone 01443 863028.

Cabinet Date	Title	Key Issues	Author	Cabinet Member
17/03/21 10:30	Gender Pay Gap	For CMT and Cabinet to agree the Gender Pay Gap report which has to be published by 31st March	Donovan, Lynne;	Cllr. Gordon, Colin J
17/03/21 10:30	Interim Report from the Task and Finish Group on the Non-Residential Care Charges	To recommend to Members that they request that Cabinet extends the current rate increase for the 2021/22 financial year. This would allow the Task and Finish Group to continue their inquiry and to draft recommendations for Cabinet's consideration on the charge for Non-Residential Care from 2022/23 onwards	Jacques, Mark;	Cllr. Cook, Shayne;
24/03/21 10:30	Pen March Wind Farm – Opportunity for Council Investment	The Council have been presented with an opportunity to take a commercial interest in a wind farm project being taken forward by RWE Renewables on land north of Rhymney. In order for RWE to explore partnership options in more detail, they want the Council to enter into a non-legally binding Memorandum of Understanding.	Dallimore, Allan;Kyte, Rhian;	Cllr. Morgan, Sean;
24/03/21 10:30	White Paper on Rebalancing Care and Support	To share the proposal of the Welsh Government White Paper on Rebalancing Care and Support and to seek Members views with regards to a consultation response.	Street, Dave;	Cllr. Cook, Shayne;
24/03/21 10:30	Annual Equalities Report 2019/20	To seek Cabinet approval of the statutory Annual Equalities Report 2019/20 which provides an update of the progress made during the financial year 2019/20 against targets in the Council's Strategic Equality Plan 2016-2020.	Cullinane, Anwen;Peters, Kathryn;Richards, Sue;	Cllr. Stenner, Eluned;

	To update Cabinet on the latest position with the Economic impact on town centres caused by the coronavirus pandemic and to recommend further free car parking to support the local economy.		
24/03/21 10:30	Car Parking Charges	Williams, Mark S;	Cllr. Ridgewell, John;
24/03/21 10:30	Ness Tar - Welsh Government Loan Agreement	To consider the WG loan requirements	Kyte, Rhian;Williams, Mark S; Cllr. Morgan, Sean;
24/03/21 10:45	Review of Corporate Complaints Policy and Unacceptable Behaviour Policy	To review and endorse the new Concerns and Complaints Policy based on the model document issued by the Ombudsman together with a review of the existing Policy for dealing with Unacceptable Persistent or Unreasonable actions by Complainants.	Lane, Lisa; Cllr. Stenner, Eluned;
07/04/21 10:30	Flexible Working Update Report	For Cabinet to consider the proposals for the next stages of the Flexible Working Corporate Review workstreams	Lloyd, Marcus;Edmunds, Richard (Ed); Cllr. Gordon, Colin J;
07/04/21 10:30	21st Century Schools and Education Band B Programme – Statutory Objection Report for Ysgol Gymraeg Cwm Gwyddon	To consider the outcome of the Statutory Consultation process and recommendations in respect of the proposal to relocate and expand YGG Cwm Gwyddon	West, Andrea; Cllr. Whiting, Ross;
07/04/21 10:30	21st Century Schools and Education Band B Programme – Statutory Objection Report for Trinity Fields School	To consider the outcome of the Statutory Consultation process and recommendations in respect of the proposed expansion to Trinity Fields Special School	West, Andrea; Cllr. Whiting, Ross;

07/04/21 10:30	Review of Waste Services - Contract Management Arrangements	To consider proposals to strengthen contract management arrangements within Waste Services.	Harris, Stephen R;	Cllr. Ridgewell, John;
07/04/21 10:30	21st Century Schools and Colleges Band B Programme – Phase 2 Proposal for Plasyfelin Primary	To seek members views on the next phase of the 21st Century Schools Band B projects in order to proceed to Business Case submission to Welsh Government.	West, Andrea;	Cllr. Whiting, Ross;
07/04/21 10:30	21st Century Schools and Education Band B Programme – Phase 2 Llancaeath Junior School and Llanfabon Infants School	To seek members views on the next phase of the 21st Century Schools Band B projects in order to proceed to Business Case submission to Welsh Government.	West, Andrea;	Cllr. Whiting, Ross;
07/04/21 10:30	21st Century Schools and Education Band B Programme – Phase 2 Proposal For Centre For Vulnerable Learners	To seek members views on the next phase of the 21st Century Schools Band B projects in order to proceed to Business Case submission to Welsh Government.	West, Andrea;	Cllr. Whiting, Ross;
07/04/21 10:30	Fleet Review Update	<i>To update Cabinet on the progress to date on the service review of the Councils fleet.</i>	Cooke, Paul;Richards, Sue;	Cllr. Ridgewell, John;
21/04/21 10:30	EAS Business Plan 2021-22	The EAS is required to submit an annual overarching regional Business Plan on an annual basis. This report asks for members to consider the full contents of the draft EAS Business Plan as part of the regional consultation process.	Cole, Keri;	Cllr. Whiting, Ross;
21/04/21 10:30	Team Caerphilly Transformation Programme – 6 monthly update	To provide members with an update on progress against the Team Caerphilly Transformation Strategy	Richards, Sue;	Cllr. Stenner, Eluned;
21/04/21 10:30	Corporate Performance Assessment Quarter 1/Quarter 2	To provide Cabinet with a high level performance update of the Council (from April – September 2020) based on the information from the Directorate Performance Assessments (DPA) for the same period.	Roberts, Ros;Richards, Sue;	Cllr. Stenner, Eluned;

21/04/21 10:30 Regeneration Board Project Update	<p>To recommend the allocation of up to £107k Regeneration Project Board Development Fund towards a recently endorsed and evaluated project and note the allocation of Licence to Innovate Funding for Coffi Vista, Caerphilly.</p> <p>To consider the allocation of additional funding for the Regeneration Project Board</p>	Kyte, Rhian;	Cllr. Morgan, Sean;
21/04/21 10:30 Cwmcarn Forest Drive	To consider a proposed collaborative approach with NRW to enable the reopening of the Forest drive	Hudson, Paul;Kyte, Rhian;	Cllr. Morgan, Sean;



SPECIAL CABINET – 17TH MARCH 2021

SUBJECT: INTERIM REPORT FROM TASK AND FINISH GROUP ON NON-RESIDENTIAL CARE CHARGES

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To update Members of the Cabinet on the Task and Finish inquiry into charging for non-residential social care within the county borough. This inquiry is being carried out by a sub-group of the Social Services Scrutiny Committee and they held their initial meeting on 25th September 2019.
- 1.2 To recommend to Cabinet that it extends the current rate increases for the 2021/22 financial year. This would allow the Task and Finish group to continue their inquiry and to draft recommendations for Cabinet consideration on the charge for non-residential care from 2022/23 onwards.

2. SUMMARY

- 2.1 The report will give a brief summary of information received by Members of the Task Group thus far, and outline how disruption caused by the Covid-19 pandemic has meant that final recommendations have not yet been reached and therefore cannot be applied to the rates for the 2021/22 financial year.
- 2.2 The report will give a synopsis on the background to the current Task and Finish inquiry into charging for non-residential care within the county borough.

3. RECOMMENDATIONS

- 3.1 That Cabinet extends the decision to increase non-residential charges by 10% per annum for hourly rates and 20% per annum for daily rates for a further year in to the 2021/22 financial year. The Task and Finish group on Non-Residential Care charges would then make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To allow the revised charges for non-residential care to be applied for 2021/22 and the continuation of the ongoing Task and Finish inquiry into charging for non-residential

care within the county borough.

5. SCRUTINY COMMITTEE COMMENTS

- 5.1 This report came before the Social Services Scrutiny Committee on Tuesday 2nd February 2021.
- 5.2 The Scrutiny Officer (Mark Jacques) advised Members that in essence the report was requesting an extension from Cabinet so that the Task Group could continue its inquiry into charging for non-residential care. Members heard how due to severe disruption caused by the Covid-19 pandemic the group was currently not in a position to make recommendations for 2021/22, which was the original intention as set out in the group's Terms of Reference.
- 5.3 The Scrutiny Officer outlined how the Task Group had met on two occasions since September 2019 and advised that planned consultation in early 2020 had to be abandoned due to the pandemic.
- 5.4 The Chair of the Task and Finish Group (Cllr Vincent James) reiterated that at this stage it had not been possible for the group to make any recommendations on the charging policy. He advised Members that the group intended to reconvene later that month in order to receive opinions from expert witnesses. The Task Group Chair outlined to Members the importance of ensuring that service users were not dissuaded from accessing services because of charges.
- 5.5 One Member asked for an update on the charges made by other Local Authorities in Wales for this type of social care and how the charges by Caerphilly County Borough Council compared with those made by other Councils. The Interim Financial Services Manager (Mike Jones) was able to advise Members that according to figures for 2019/20 only three Local Authorities out of 22 had lower hourly rates than those charged within the Caerphilly borough, and only one authority had a lower charge in terms of the daily rates for non-residential care.
- 5.6 Following consideration and discussion the Social Services Scrutiny Committee by a majority present, and in noting in that there were no abstentions and no votes against, RESOLVED that for the reasons contained in the Officer's report, Cabinet be requested to extend the decision to increase non-residential charges by 10% per annum for hourly rates and 20% per annum for daily rates for a further year, into the 2021/22 financial year. The Task and Finish Group on Non-Residential Care charges would then make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

6. THE REPORT

- 6.1 Previously a cross party members task and finish group consisting of scrutiny members was established to examine the requirements and impact of charging for non-residential services, the services that had a charge and the application of charges and disregards. The findings of the task and finish group were presented to the Health, Social Care and Wellbeing Scrutiny Committee on 26th March 2013, and an annual increase of 10% per hour for home care and supported living and an annual increase of 20% per day for day care services was endorsed and recommended to Cabinet. These increases were to be reviewed after 5 years.

- 6.2 On the 5th February 2019 a Non-Residential Social Services Charging report came before the Health, Social Care and Wellbeing Scrutiny Committee. It was endorsed and recommended to Cabinet that the level of charges for non-residential care for 2019/20 and the subsequent financial year continue to increase by 10% per annum for home care and supported living and by 20% per annum for day care services and be subject to review by a Task and Finish Group thereafter.
- 6.3 The terms of reference for this Task and Finish Group is: To consider the level of inflationary uplift and minimum charging levels that should be applied to non-residential care charges in the 2021/22 financial year and in subsequent financial years.
- 6.4 The Task and Finish Group on non-residential care charges met for the first time on 25th September 2019. A second meeting of the Task and Finish Group took place on 7th November 2019.
- 6.5 At the initial meeting the Interim Financial Services Manager advised the Group that just under £11M of the Adult Services budget came as a result of charging service users in 2018/19. The section of this figure that came as a result of Non-Residential Charging income was £2.865M.
- 6.6 The group were given an introduction to the legal framework for charging which was set out in the Social Services and Wellbeing (Wales) Act 2015 and its supporting Regulations. Section 59 of the Act gives the power to impose charges. The presentation to Members focussed specifically on the Regulations on Financial Assessment and Charging. It was explained that under Care and Support Regulations there was a legal requirement for the Council to disregard the value of the service user's main home when calculating the available income for charging for non-residential care. Earnings from employment and other specified sources of income were also disregarded under the legislation, but certain capital assets could be included to reach the available income for charging figure. It was also pointed out that the current maximum weekly charge for non-residential care and support was £90 per week. This maximum weekly charge has since been increased by Welsh Government to £100 for the current financial year.
- 6.7 Members heard how a buffer is added to the personal allowance and pension premium to calculate the Minimum Income Amount which is an amount disregarded as part of the financial assessment to cover the individual's expenditure such as utility bills. Officers also advised Members that Caerphilly County Borough Council applies an additional 10% buffer across the board, on top of the statutory figure of 35%, to allow for any additional Disability Related Expenditure and therefore to avoid any dispute. This Minimum Income Amount is disregarded when calculating an available income for charging purposes.
- 6.8 Members were advised that even with the increases of 10% per annum for hourly rates and 20% per annum for daily charges for the past 6 years, Caerphilly County Borough Council was in the lower quartile of Standard Charges for all Welsh local authorities.
- 6.9 The weekly charge was determined based on the lower of (i) the standard charge, (ii) the maximum weekly charge and (iii) available income. The Task Group heard how under this assessment process nobody is expected to pay more than they can afford.
- 6.10 At the first meeting of the Task Group the possibility of having to draft an Interim Report requesting that the current increase be extended for the 2021/22 financial

year was discussed by Members. This was due to timescale issues.

- 6.11 The second meeting of the Task and Finish Group on non-residential care charges took place on 7th November 2019.
- 6.12 During a presentation Members were shown a graphic outlining the number of people accessing services charged for on an hourly rate. It was explained to Members that of the 1,167 service users in the County Borough, it was only the 216 people paying full standard charges who would be affected by any future increases in charges for this type of non-residential social care. Therefore, based on figures as at 30th September 2019, the vast majority of care recipients are unaffected by a charge increase.
- 6.13 Members asked about the charging policy for the Telecare Service. The Interim Financial Services Manager advised that there was a charge for this service but that it was not included as part of charges for non-residential social care. Officers outlined that Telecare had now been adopted by the Social Services department, but previously had been administered by Housing Services. Discussion ensued on the possible impact of incorporating Telecare into the package of non-residential social care services. It was generally acknowledged that this would require further consideration and should possibly be considered as part of a future review.
- 6.14 At the second meeting Members agreed to consultation suggestions such as engaging with stakeholders via GAVO (Gwent Association of Voluntary Organisations). Contact was also made directly with associated organisations such as Age Cymru and Disability Rights UK. Subsequently, this consultation process proved challenging due to a lack of engagement from organisations. A Stakeholder Engagement Session scheduled for 27th February 2020 had to be cancelled due to a lack of interest. Planned face-to-face consultation sessions at events organised by Caerphilly People First also had to be cancelled following the national lockdown because of the Covid-19 pandemic in March 2020.
- 6.15 Plans to restart the inquiry with an evidence gathering meeting via Microsoft Teams were made during Autumn, 2020. The Wales School for Social Care Research in Swansea, and Social Care Wales were both approached and a Social Care Management expert from the University of South Wales agreed to speak to the Task and Finish group on 30th November 2020. But this session had to be cancelled due to a family bereavement. This session is rescheduled for February 2021.

6.16 **Conclusion**

Due to disruption caused by the Covid-19 pandemic the Task and Finish group are not in a position to make recommendations on the application of charges for non-residential care for the 2021/22 financial year. It is therefore recommended that Cabinet extends the current increase for this period and that the Task and Finish inquiry continues in order to make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

7. **ASSUMPTIONS**

- 7.1 No related assumptions have been felt to be necessary in relation to this report.

8. LINKS TO RELEVANT COUNCIL POLICIES

8.1 The operation of scrutiny is required by the Local Government Act 2000. The Local Government Wales Measure 2011 and subsequent Statutory Guidance include requirements to publicise the work of scrutiny committees.

8.2 Corporate Plan 2018-2023.

This report contributes to the following Corporate Well-being Objectives:

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being.

9. WELL-BEING OF FUTURE GENERATIONS

9.1 This report contributes to the following Well-being goals: -

- A healthier Wales
- A more equal Wales

10. EQUALITIES IMPLICATIONS

10.1 This report is for information purposes only, so the council's full Equalities Impact Assessment process does not need to be applied.

11. FINANCIAL IMPLICATIONS

11.1 There are no financial implications with respect to this report. There are no budget shortfall considerations as the report recommends retaining current annual percentage increases for non-residential care.

12. PERSONNEL IMPLICATIONS

12.1 There are no personnel implications with respect to this report.

13. CONSULTATIONS

13.1 All responses from the consultations have been incorporated in the report.

14. STATUTORY POWER

14.1 The Local Government Act 2000.
Social Care and Well-Being (Wales) Act 2015

15. URGENCY (CABINET ITEMS ONLY)

- 15.1 Non-urgent, but would need to be considered prior to setting the 2021/22 rates for non-residential care.

Author: Mark Jacques, Scrutiny Officer – jacqum@caerphilly.gov.uk

Consultees: Dave Street, Corporate Director Social Services
Richard Edmunds, Corporate Director for Education and Corporate Services
Jo Williams, Assistant Director Adult Services
Mike Jones, Financial Services Manager
Robert Tranter, Head of Legal Services/ Monitoring Officer
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer, Legal Services
Councillor Lyndon Binding, Chair of Social Services Scrutiny Committee
Councillor Carmen Bezzina, Vice Chair of Social Services Scrutiny Committee

Appendices:
Appendix 1 - Non-Residential Social Services Charging report - Health, Social Care and Wellbeing Scrutiny Committee: 5th February 2019.



SOCIAL SERVICES SCRUTINY COMMITTEE – 2ND FEBRUARY 2021

**SUBJECT: INTERIM REPORT FROM TASK AND FINISH GROUP ON
NON-RESIDENTIAL CARE CHARGES**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND
CORPORATE SERVICES**

1. PURPOSE OF REPORT

- 1.1 To update Members of the Social Services Scrutiny Committee on the Task and Finish inquiry into charging for non-residential social care within the county borough. This inquiry is being carried out by a sub-group of the Committee and they held their initial meeting on 25th September 2019.
- 1.2 To recommend to Members that they request that Cabinet extends the current rate increases for the 2021/22 financial year. This would allow the Task and Finish group to continue their inquiry and to draft recommendations for Cabinet consideration on the charge for non-residential care from 2022/23 onwards.

2. SUMMARY

- 2.1 The report will give a brief summary of information received by Members of the Task Group thus far, and outline how disruption caused by the Covid-19 pandemic has meant that final recommendations have not yet been reached and therefore cannot be applied to the rates for the 2021/22 financial year.
- 2.2 The report will give a synopsis on the background to the current Task and Finish inquiry into charging for non-residential care within the county borough.

3. RECOMMENDATIONS

- 3.1 That the Social Services Scrutiny Committee request that Cabinet extends the decision to increase non-residential charges by 10% per annum for hourly rates and 20% per annum for daily rates for a further year in to the 2021/22 financial year. The Task and Finish group on Non-Residential Care charges would then make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To allow the revised charges for non-residential care to be applied for 2021/22 and the continuation of the ongoing Task and Finish inquiry into charging for non-residential care within the county borough.

5. THE REPORT

- 5.1 The Task and Finish Group on non-residential care charges met for the first time on 25th September 2019.
- 5.2 At this initial meeting the Interim Financial Services Manager advised the Group that just under £11M of the Adult Services budget came as a result of charging service users in 2018/19. The section of this figure that came as a result of Non-Residential Charging income was £2.865M.
- 5.3 The group were given an introduction to the legal framework for charging which was set out in the Social Services and Wellbeing (Wales) Act 2015 and its supporting Regulations. Section 59 of the Act gives the power to impose charges. The presentation to Members focussed specifically on the Regulations on Financial Assessment and Charging. It was explained that under Care and Support Regulations there was a legal requirement for the Council to disregard the value of the service user's main home when calculating the available income for charging for non-residential care. Earnings from employment and other specified sources of income were also disregarded under the legislation, but certain capital assets could be included to reach the available income for charging figure. It was also pointed out that the current maximum weekly charge for non-residential care and support was £90 per week. This maximum weekly charge has since been increased by Welsh Government to £100 for the current financial year.
- 5.4 Members heard how a buffer is added the personal allowance and pension premium to calculate the Minimum Income Amount which is an amount disregarded as part of the financial assessment to cover the individual's expenditure such as utility bills. Officers also advised Members that Caerphilly County Borough Council applies an additional 10% buffer across the board, on top of the statutory figure of 35%, to allow for any additional Disability Related Expenditure and therefore to avoid any dispute. This Minimum Income Amount is disregarded when calculating an available income for charging purposes.
- 5.5 Members were advised that even with the increases of 10% per annum for hourly rates and 20% per annum for daily charges for the past 6 years, Caerphilly County Borough Council was in the lower quartile of Standard Charges for all Welsh local authorities.
- 5.6 The weekly charge was determined based on the lower of (i) the standard charge, (ii) the maximum weekly charge and (iii) available income. The Task Group heard how under this assessment process nobody is expected to pay more than they can afford.
- 5.7 At the first meeting of the Task Group the possibility of having to draft an Interim Report requesting that the current increase be extended for the 2021/22 financial year was discussed by Members. This was due to timescale issues.
- 5.8 The second meeting of the Task and Finish Group on non-residential care charges took place on 7th November 2019.

- 5.9 During a presentation Members were shown a graphic outlining the number of people accessing services charged for on an hourly rate. It was explained to Members that of the 1,167 service users in the County Borough, it was only the 216 people paying full standard charges who would be affected by any future increases in charges for this type of non-residential social care. Therefore, based on figures as at 30th September 2019, the vast majority of care recipients are unaffected by a charge increase.
- 5.10 Members asked about the charging policy for the Telecare Service. The Interim Financial Services Manager advised that there was a charge for this service but that it was not included as part of charges for non-residential social care. Officers outlined that Telecare had now been adopted by the Social Services department, but previously had been administered by Housing Services. Discussion ensued on the possible impact of incorporating Telecare into the package of non-residential social care services. It was generally acknowledged that this would require further consideration and should possibly be considered as part of a future review.
- 5.11 At the second meeting Members agreed to consultation suggestions such as engaging with stakeholders via GAVO (Gwent Association of Voluntary Organisations). Contact was also made directly with associated organisations such as Age Cymru and Disability Rights UK. Subsequently, this consultation process proved challenging due to a lack of engagement from organisations. A Stakeholder Engagement Session scheduled for 27th February 2020 had to be cancelled due to a lack of interest. Planned face-to-face consultation sessions at events organised by Caerphilly People First also had to be cancelled following the national lockdown because of the Covid-19 pandemic in March 2020.
- 5.12 Plans to restart the inquiry with an evidence gathering meeting via Microsoft Teams were made during Autumn, 2020. The Wales School for Social Care Research in Swansea, and Social Care Wales were both approached and a Social Care Management expert from the University of South Wales agreed to speak to the Task and Finish group on 30th November 2020. But this session had to be cancelled due to a family bereavement.
- 5.13 Previously a cross party members task and finish group consisting of scrutiny members was established to examine the requirements and impact of charging for non-residential services, the services that had a charge and the application of charges and disregards. The findings of the task and finish group were presented to the Health, Social Care and Wellbeing Scrutiny Committee on 26th March 2013, and an annual increase of 10% per hour for home care and supported living and a annual increase of 20% per day for day care services was endorsed and recommended to Cabinet. These increases were to be reviewed after 5 years.
- 5.14 On the 5th February 2019 a Non-Residential Social Services Charging report came before the Health, Social Care and Wellbeing Scrutiny Committee. It was endorsed and recommended to Cabinet that the level of charges for non-residential care for 2019/20 and the subsequent financial year continue to increase by 10% per annum for home care and supported living and by 20% per annum for day care services and be subject to review by a Task and Finish Group thereafter.
- 5.15 **Conclusion**
Due to disruption caused by the Covid-19 pandemic the Task and Finish group are not in a position to make recommendations on the application of charges for non-residential care for the 2021/22 financial year. It is therefore recommended that Cabinet extends the current increase for this period and that the Task and Finish

inquiry continues in order to make recommendations for Cabinet consideration on the charge from 2022/23 onwards.

6. ASSUMPTIONS

6.1 No related assumptions have been felt to be necessary in relation to this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 The operation of scrutiny is required by the Local Government Act 2000. The Local Government Wales Measure 2011 and subsequent Statutory Guidance include requirements to publicise the work of scrutiny committees.

7.2 Corporate Plan 2018-2023.

This report contributes to the following Corporate Well-being Objectives:

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 This report contributes to the following Well-being goals: -

- A healthier Wales
- A more equal Wales

9. EQUALITIES IMPLICATIONS

9.1 This report is for information purposes only, so the council's full Equalities Impact Assessment process does not need to be applied.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications with respect to this report.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications with respect to this report.

12. CONSULTATIONS

12.1 All responses from the consultations have been incorporated in the report.

13. STATUTORY POWER

- 13.1 The Local Government Act 2000.
Social Care and Well-Being (Wales) Act 2015

14. URGENCY (CABINET ITEMS ONLY)

- 14.1 Non-urgent, but would need to be considered prior to setting the 2021/22 rates for non-residential care.

Author: Mark Jacques, Scrutiny Officer – jacqum@caerphilly.gov.uk

Consultees: Dave Street, Corporate Director Social Services
Richard Edmunds, Corporate Director for Education and Corporate Services
Jo Williams, Assistant Director Adult Services
Mike Jones, Financial Services Manager
Robert Tranter, Head of Legal Services/ Monitoring Officer
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer, Legal Services
Councillor Lyndon Binding, Chair of Social Services Scrutiny Committee
Councillor Carmen Bezzina, Vice Chair of Social Services Scrutiny Committee

This page is intentionally left blank



SPECIAL CABINET – 17TH MARCH 2021

SUBJECT: PUBLICATION OF GENDER PAY GAP DATA 2020 – EQUALITY ACT 2010 (SPECIFIC DUTIES AND PUBLIC AUTHORITIES) REGULATIONS 2017

REPORT BY: LYNNE DONOVAN, HEAD OF PEOPLE SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval from Cabinet for the publication of the Authority's gender pay gap written statement 2020.

2. SUMMARY

- 2.1 Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, all organisations listed at Schedule 2 to the regulations that employ over 250 employees are required to report annually on their gender pay gap from 2017.
- 2.2 The provisions under these Regulations only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are not required to be included within the scope of the Council's Gender Pay Gap Data. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate. Caerphilly Schools will not be required to publish and report their own specific figures as no School employs more than 250 staff.
- 2.3 The Council's gender pay gap data is required to be published on our own website and a government website by 30 March each year. The data must include the hourly pay, as both a mean figure, (identifying the difference between the average of men's and women's pay) and the median figure, (identifying the difference between the midpoints in the ranges of men's and women's pay). Employers are encouraged to produce a written statement explaining the data.
- 2.4 The Regulations further require the Council to publish the mean and median gender pay gap relating to bonus pay. Cabinet will be aware that the Council does not offer piecework or bonus incentive schemes.

3. RECOMMENDATIONS

- 3.1 Cabinet are asked to agree the written statement attached at Appendix 1 detailing gender pay gap data for publication on the Council's website and the Government website on line using the gender pay gap reporting service.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the legislative requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

5. THE REPORT

- 5.1 The Council's gender pay gap data is required to be published on an annual basis, once accepted. There is a requirement under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations for this to be undertaken no later than the 30th March each year.
- 5.2 There are six calculations to carry out, and the results must be published on the employer's website and a government website within 12 months. Where applicable, they must be confirmed by an appropriate person, such as a chief executive.
- 5.3 Gender pay reporting is a different requirement to carrying out an equal pay audit.
- 5.4 Employers have the option to provide a narrative with their calculations. This should generally explain the reasons for the results and give details about actions that are being taken to reduce or eliminate the gender pay gap.
- 5.5 The written statement that is attached to this report at Appendix 1 contains the full details of the Council's gender pay gap position that the Council is required to publish under legislation.
- 5.6 With Cabinet's agreement, the statement will be published on the Council's Website and to the government on line using the gender pay gap reporting service (<https://www.gov.uk/report-gender-pay-gap-data>), and will be available for access by members of the public, press and interested pressure groups.
- 5.7 The Council's gender pay gap data and written statement is based on a high level snapshot of pay within the Council that shows the difference in the average pay between all men and women in our workforce. In accordance with the Specific Duties and Public Authorities Regulations, the data includes all employees of the Council who were paid on 31 March 2020.
- 5.8 **Conclusion**

The Council's gender pay gap does not stem from paying male and female employees differently for the same or equivalent work but is the result of roles in which male and females currently work and the salaries that these roles attract. Our gender pay gap is reflective of the causes of gender pay gap at a societal level. The vast majority of posts in the lower quartile of data are part time posts. These are the posts that continue to predominantly attract female applicants.

6. ASSUMPTIONS

- 6.1 It is assumed within this report that whilst the Council continues to deliver diverse services with a very high concentration of part time posts in the lower earnings quartile, the opportunity to close this gap based on the number of females currently occupying said posts will be limited.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The Gender Pay Gap links to our Strategic Equality Plan 2016 – 2020 and 2020 – 2024. The remuneration of employees is an integral feature of our People Management Strategy and frameworks and is a fundamental feature of the employment relationship.

7.2 Corporate Plan 2018-2023.

The Gender Pay Gap statement contributes towards the Corporate Well-being Objectives, as detailed below:

Objective 2 - Enabling employment

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 Having considered the five ways of working, the Gender Pay Gap statement contributes to the following Well-being Goals:

- A more equal Wales
- A more prosperous Wales.

9. EQUALITIES IMPLICATIONS

- 9.1 The data highlights a gender pay gap in favour of males. In this data snapshot the mean gender pay gap difference is 8.04% and the median gap is 11.28%. This does not mean that the Council is paying males and females differently for work deemed to be of equal value. The identification of a gender pay gap provides a trigger for further investigation about the reasons why the gap exists.

- 9.2 The Council has committed to Equal Pay which is a more specific legal concept that deals with the pay differences between men and women carrying out comparable jobs. Equal Pay requires the scrutiny of information at the level of the individual employee to satisfy that there is equal pay for equal work. The Council continues to use the GLPC job evaluation scheme and the HAY job evaluation scheme to satisfy this specific purpose.

- 9.3 Last year's figures were 8.3% and 10.3% respectively, representing a 0.26% reduction in the mean gender pay gap and an increase of 0.98% in the median. The Council is not paying males and females differently for work deemed to be deemed of equal value. The Council continues to pay employees in line with its evaluated pay structures.

- 9.4 The Council recognises the importance of equality not only in the Well-being of Future Generations Act but explicitly through its Strategic Equality Plans 2016-2020

and 2020-2024; its introduction of Equal Pay through Single Status and withdrawal of piecework and bonus incentive Schemes in 2009 and its introduction of the Living Wage Foundation minimum hourly rate in 2012.

- 9.5 The gender pay written statement attached at Appendix 1 confirms the pay received by employees in March 2020 and reports on the facts of the current pay arrangements in place; therefore no specific Equalities Impact Assessment has been undertaken. Any previous changes to pay, terms and conditions that have led to this data have been assessed for equalities issues, as have other reports relating to CCBC employee pay issues such as the Living Wage report.
- 9.6 In determining the pay and remuneration of all of its employees, the Council has complied with all relevant employment legislation, including:
- The Equality Act 2010, including the requirements specifically in relation to Equal Pay
 - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000
 - The Agency Workers Regulations 2010
 - The Transfer of Undertakings (Protection of Employment) Regulations 2006, where relevant;
 - The National Minimum Wage Act 1998.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from the requirement to publish the Council's gender pay gap position.

11. PERSONNEL IMPLICATIONS

- 11.1 The personnel implications arising from the gender pay gap data and the measures taken and proposed to close the Council's gender pay gap further are outlined in the written statement attached at Appendix 1 to this report.

12. CONSULTATIONS

- 12.1 All comments from consultees have been included in the report.

13. STATUTORY POWER

- 13.1 Local Government Act 1972
Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017
Localism Act 2011
Local Government (Wales) Measure 2011
Local Government (Wales) Act 2015

Author: Lynne Donovan, Head of People Services

Consultees: Corporate Management Team
Cllr Colin Gordon, Cabinet Member for Corporate Services
Stephen Harris, Head of Financial Services & S151 Officer
Robert Tranter, Head of Legal Services & Monitoring Officer
Lisa Downey, HR Service Manager
Shaun Watkins, HR Service Manager

Appendices:

Appendix 1 Written Statement – Gender Pay Gap 2020

This page is intentionally left blank

CAERPHILLY CBC

GENDER PAY GAP STATEMENT 2020

BACKGROUND

Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, all organisations listed at Schedule 2 to the regulations that employ over 250 employees are required to report annually on their gender pay gap. Other organisations in the private and voluntary sectors with 250 or more employees need to comply with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

This data is required to be published on the Council's website and a government website by 30 March each year. The salary data within this statement is based on the snapshot date of 31 March 2020. The regulations also require employers to calculate and publish a separate gender bonus pay gap report. The Council however has no bonus scheme in place.

The gender pay gap is a high-level snap-shot of pay within an organisation and shows the difference in the average pay between all men and women in a workforce. This requires the examination of aggregate workforce data. Where the data highlights a gender pay gap, this does not mean that the Council is paying males and females differently for work to be deemed of equal value. The identification of a gender pay gap however provides a trigger for further investigation about the reasons why the pay gap exists.

In contrast 'equal pay' is a more specific legal concept that deals with the pay differences between men and women carrying out comparable jobs. It requires the scrutiny of information at the level of the individual employee to satisfy that there is equal pay for equal work. The Council is confident that its gender pay gap does not stem from paying male and female employees differently for the same or equivalent work.

GENDER PAY GAP DATA

The employees included in this snapshot of data are predetermined by the Specific Duties and Public Authorities Regulations. The Regulations apply the same definition of employee as the Equality Act 2010. This is a broad definition which includes zero hours' workers, apprentices and self-employed people.

In the table below 'Ordinary pay' means basic pay; allowances; pay for leave; and shift premium pay. It does not include overtime pay; redundancy pay; pay in lieu of leave, or non-monetary remuneration. The Council does not offer piecework or bonus incentive schemes.

The data is based on a snapshot date of 31 March 2020.

Total Number of Employees included in this data:	6500
Number of Females:	4576 (70.4%)
Number of Males:	1924 (29.6%)

Mean Gender Pay Gap – Ordinary Pay	8.04
Mean Hourly Rate – Ordinary Pay (Male/Female)	(£13.07 / £12.02)
Median Gender Pay Gap – Ordinary Pay	11.28
Median Hourly Rate – Ordinary Pay (Male/Female)	(£11.88 / £10.54)
Mean Gender Pay Gap – Bonus pay in the 12 months ending 31 March 2019	0
Median Gender Pay Gap – Bonus pay in the 12 months ending 31 March 2019	0
The proportion of male and female employees paid a bonus in the 12 month period ending 31 March 2019	Male 0 Female 0

Proportion of male and female employees in each quartile

Quartile	Female % (People)	Male % (People)
First Lower Quartile (£9.18 - £9.55)	87.7 (1425)	12.3 (200)
Second Quartile (£9.56 - £10.97)	66.8 (1086)	33.2 (539)
Third Quartile (£10.98 - £13.37)	64.1 (1042)	35.9 (583)
Fourth Quartile (£13.38 - £75.27)	63.0 (1023)	37.0 (602)

ORGANISATIONAL CONTEXT

The data identifies that there are significantly more women than men occupying posts in every quartile of the data due to our predominantly female population.

Proportionately, the data shows against the pure male population of the workforce that 10.4% of the 1924 employed occupy posts in the lower quartile, 28.01% in the 2nd quartile, 30.3% in the 3rd quartile and 31.29% in the 4th quartile.

This compares to 31.14% of the 4576 pure female population of the workforce that occupy posts in the lower quartile, 23.73% in the 2nd quartile, 22.77% in the 3rd quartile and 22.36% in the 4th quartile.

We are confident that our gender pay gap does not stem from paying male and female employees differently for the same or equivalent work. The gender pay gap is the result of roles in which male and females currently work and the salaries that these roles attract.

Our gender pay gap is reflective of the causes of gender pay gap at a societal level. Research has shown that caring responsibilities and part time jobs continue to be shared/occupied unequally and that it is women who are predominantly drawn to part time jobs. These can often be jobs that are below the employees' skill levels, and offer fewer progression opportunities. In this snapshot of data, whilst part time roles are supported across the whole of the Council's staffing structure, it remains the case that

the vast majority of advertised part time posts and thus part time workers fall into the lower quartile of pay, for example within our Cleaning and Catering services.

The opportunity to work part time in all other posts across the Council's structure, is supported by an array of family friendly policies that offer men and women the opportunity to find a balance between work, leisure, family and caring responsibilities.

Flexible working and agile working methodologies are intrinsic in supporting the reduction of the gender pay gap. The Council offers numerous benefits aimed at making it easier for employees to balance home and work life commitments including agile working opportunities, flexible working, home working, career breaks, adoption leave, carers leave, a flexible working hours scheme, salary sacrifice and childcare voucher schemes, job share, leave of absence, parental, shared parental and paternity leave, part time working, shift/day swapping and term time only working opportunities.

Whilst over a number of years, men have become more interested in/attracted to these policies, it remains the case that far more women than men have taken up the opportunities that these policies present. Whilst the Council continues to deliver diverse services with a very high concentration of part time posts in the lower earnings quartile, the opportunity to close our gender pay gap will be limited based on the pure number of women that currently occupy and continue to be attracted to these posts.

In seeking to address the gender pay gap differential:

The Council is transparently opposed to discrimination in any form and our Elected Members and employees work to ensure that everyone in the communities we serve have access to and benefit from the full range of services, regardless of their individual circumstances or backgrounds. The Council is committed to doing all that it can to respect the diverse nature of those who live in, work in and visit the County Borough.

The different areas covered by the Council's legal requirements, called "protected characteristics" which include gender and other, wider equalities, human rights and language strands are covered in detail in the Council's Strategic Equality Plan [Strategic Equality Plan 2020 - 2024](#)

This link will take you to the Council's fourth Strategic Equality Plan (2020 - 2024). This plan followed a pilot version in 2011-2012; four years of implementing a full plan from April 2012 - March 2016 and a further four years of implementing a full plan from April 2016 – March 2020.

The Council has developed and will continue to develop policies, procedures and programmes of action to meet its legal and moral obligations in the area of equal opportunities and is committed to equal opportunities in all aspects of employment. The Council takes positive steps to reduce any disadvantage experienced by all individuals and groups. It recognises that equalities contribute to the most effective utilisation of employee skills and abilities.

We have invested heavily in creating a non-discriminatory, transparent pay and grading structure and conditions of service that fully comply with the Equal Pay Act and any other anti-discriminatory legislation.

In support of some of our lowest paid members of staff across all directorates, we pay our workforce the living wage foundation minimum hourly rate of pay, which was £9.30 per hour on 31 March 2020.

We are committed to ensuring equality of opportunity in all aspects of employment and service delivery as outlined in our Strategic Equality Plan and recognise that people have different needs, requirements and goals. The Council works actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We are committed to developing a healthy organisation, one which provides an environment that nurtures employees, provides opportunity for personal and professional development and recognises excellence. We will continue to develop our work life balance policies to cater for the varying and changing needs of our staff and thus, we are committed to modernising our practices, moving away from traditional models of delivery which restrict agility and flexibility. Our ambitious transformation agenda will also support these values.

We truly value our workforce and we put equality, inclusion and well-being at the very heart of everything we do. We continue to champion diversity and challenge conscious and unconscious bias in our decision making and we will strive to ensure all tiers are fairly represented across the organisation.

Please take the time to read the progress that the Council has made across all aspects of our equalities work.