



## **CABINET**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 13TH MARCH 2019 AT 10.30 A.M.**

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PRESENT:

Councillor S. Morgan – Chair (Presiding)

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement) and E. Stenner (Environment and Public Protection).

Together with:

E. Edmunds (Corporate Director – Education and Corporate Services), D. Street (Corporate Director – Social Services and Housing) and M. S. Williams (Interim Corporate Director - Communities).

Also in Attendance:

K. Cole (Chief Education Officer), S. Richards (Head of Education, Planning and Strategy), P. Smythe (Housing Technical Manager), L. Donovan (Head of People Services), R. Tranter (Head of Legal Services and Monitoring Officer), D. Hartevelde (Managing Director – EAS) and C. Evans (Committee Services Officer).

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors D. Poole and L. Phipps and C. Harrhy (Interim Chief Executive).

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

#### **3. CABINET – 27TH FEBRUARY 2019**

RESOLVED that the minutes of the meeting held on 27th February 2019 were approved and signed as a correct record.

## **MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED**

### **4. EDUCATION ATTAINMENT STRATEGY AND ACTION PLAN**

The report, which was considered by the Education for Life Scrutiny Committee on 7th March 2019, was presented by the Cabinet Member for Education and Achievement, along with the proposed amendments from the Education for Life Scrutiny Committee. The report provided Cabinet with the attainment strategy for Caerphilly, entitled 'Shared Ambitions: working together to achieve the best outcomes for our young people' and sought Cabinet endorsement.

The strategy detailed a proposed vision for improving attainment and achievement across schools that is linked explicitly to the priorities identified within the Council's self-evaluation document and the systemic issues that emerged throughout the summit process that took place over the autumn.

The strategy also included a number of guiding principles and a narrative for #teamcaerphilly that enshrine the approaches and behaviours that will underpin the delivery of the strategy.

The strategic action plan, attached to the strategy also detailed what the Local Education Authority, the Education Achievement Service and the Schools themselves will do to drive improvement across the school system in Caerphilly.

Members discussed the Strategy and in particular the work surrounding Exclusions. Concerns were expressed around the recent increase in knife crimes and links to young people not in school. Officers explained that this is an area of concern, with significant pressures on schools and communities. It was acknowledged that often permanent exclusions are out of necessity and whilst there are differing practices across schools, it is important to accept that these pupils are often vulnerable and there is a need to understand the reasons behind the behaviours. Members were asked to note that a Head Teachers Meeting will be taking place next week, which will consider attendance and exclusions and look at best practices.

Cabinet discussed a number of improvements identified within the report and sought further information on progress against specific issues. It was noted that discussions took place in the Autumn term to consider the Key Stage 4 and A Level results and performance. A number of concerns were raised and following an open and honest discussion the outcomes and recommendations from this meeting were included as part of the report.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to the amendments identified by the Education for Life Scrutiny Committee and for the reasons contained in the Officer's Report the Education Attainment Strategy and Action Plan be endorsed.

### **5. EDUCATION ACHIEVEMENT SERVICE (EAS) BUSINESS PLAN (2019-2021) AND LOCAL AUTHORITY ANNEX 2019-2020**

The report, which was considered by the Education for Life Scrutiny Committee on 7th March 2019, was presented by the Cabinet Member for Education and Achievement and sought Cabinet endorsement for EAS Business Plan 2019-2020 and the Local Authority Annex 2019-2020. This process ensures that the plan enables appropriate support for schools to improve and that all pupils reach their potential across Caerphilly.

The EAS is required to submit an annual overarching regional Business Plan with accompanying annexes for each of the five Local Authorities (LA's).

Cabinet noted this is the first Business Plan in which the EAS were able to intrinsically link a detailed Strategic Plan. Members were assured that the Business Plan had been through a thorough consultation process (from 18th January 2019 until 8th February 2019), with a number of key consultees including SEWC Directors and Diocesan Directors, Regional Joint Executive Board, Education Achievement Service Company Board, Regional Governor Strategy Group and Pupil consultation and feedback received from Caerphilly representatives has been fully considered and reflected, where appropriate within the report.

Members were referred to 5.13 within the report, which referred to the Caerphilly Strategic Priorities and it was noted that each improvement strand within the plan now has a specific emphasis on the work of the EAS in promoting improved outcomes for vulnerable learners, in particular those in receipt of Free School Meals (FSM). These strategies are based on a wide range of research evidence. It will be important that all other stakeholder, including Caerphilly LA and schools, have their own specific strategies to support vulnerable learners.

In addition, Cabinet were asked to consider the Financial Implications within the report and note that, taking all factors into consideration, the Company Board agreed that it could offer a 2% efficiency saving on last year's core funding contribution for 2019/20 as was indicated in the indicative figure last year, therefore Caerphilly's contribution for 2019/20 is £1,021,020.

Members thanked Ms Hartevelde for the report and discussion ensued.

A Member, in noting the Local Authority Risks sought further information on what the Local Authority can do to mitigate these risks. Officers explained that one of the key steps towards mitigating risk is that those schools causing concern accept that they need higher levels of support, they are therefore able to accept the recommendations and support from the EAS. As a result, regular meetings will be undertaken in which those recommendations and areas for improvement are considered and managed. In addition, Members noted that partial funding is being made available to schools in order to appoint a Vulnerable Learning Lead, with an aim to support and track vulnerable learners throughout their schooling. Members were also asked to note that work is underway to look at pathways for learners, which will provide more options to pupils outside of academic routes, removing some of the focus on core subjects and developing links with businesses and colleges, with a focus on the needs of the learner.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's Report and in noting the comments made by Education for Life Scrutiny Committee, the Education Achievement Service (EAS) Business Plan (2019-2021) and Local Authority Annex 2019-2020 be endorsed.

## **6. TERMS OF REFERENCE FOR REVIEW OF POST 16/ SINGLE SEX AND SURPLUS PLACES**

The report, which was considered by Education for Life Scrutiny Committee on 7th March 2019, was presented by the Cabinet Member for Education and Achievement and sought the endorsement of the draft Terms of Reference for the review of post 16 provision, single sex education and surplus places across Caerphilly.

Cabinet noted that the Council is seeking to deliver a sustainable strategy for post-16 education in Caerphilly that is underpinned by robust models and delivers the right education in the right place and with the best outcomes for learners.

The continuation of single sex education at Lewis Girls School and Lewis School Pengam, as well as the challenge of reducing surplus places across Caerphilly's secondary school estate are separate but interlinked issues that also need to be addressed by this review.

The Council has engaged a specialist resource from Bridgend County Borough Council to deliver the review and wishes to establish a Review Board to oversee developments.

A draft Terms of Reference for the Board and the Review were appended to the report.

The Cabinet Member for Education and Attainment explained that the Education for Life Scrutiny Committee were in support of the Terms of Reference but proposed that a total of 4 Members sit on the Review Board. Nominations were received at the meeting, however the Cabinet Member expressed concerns around the geographical spread, as it was felt that the nominees didn't provide a wide geographical representation from across the whole borough.

Cabinet thanked the Officer and Cabinet Member for the report and discussion ensued.

Concerns were raised around the political balance of the group, and it was explained that, like a Task and Finish Group, there is no requirement to provide political balance, as the Review Board would not be a decision making group, and recommendations from the group would be referred back to Scrutiny and Cabinet for decision.

Discussions took place around the duration of the process. Officers confirmed that meetings of the Review Board are expected to take place around every 4-6 weeks, however, whilst Education for Life Scrutiny Committee are keen for the process to commence, once the recommendations have been developed by the Review Board, they are expected to follow the School Organisational Code and their prescribed process of consultation.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to an amendment in relation to the number of nominations to the Review Board and for the reasons contained in the Officers report:

- (i) the draft Terms of Reference for the Review of Post 16 provision, single sex education and surplus places across Caerphilly be endorsed;
- (ii) the number of nominated Members to sit on the Review Board be increased to 4, but the Education for Life Scrutiny Committee reconsider nominations presented to ensure a borough wide geographical spread.

## **7. EDUCATION CAPITAL 2019-20**

The report, which was considered by the Education for Life Scrutiny Committee on 19th February 2019 informed Members on the 2019/20 Education Capital Programme.

The report identified proposals for the allocation of Education Capital Budgets for the 2019/20 financial year in the context of the 3 year Capital Programme 2019/20 – 2021/22.

Cabinet were referred to paragraphs 4.4, 4.5, 4.6 and 4.7 of the report, which detailed the proposals for the 2019/20 budget. It was noted that Education colleagues have worked closely with both the Council's Health and Safety and Building Consultancy teams when determining priority projects.

It was noted that the 2018/19 Budget Proposals remove the 50/50 scheme budget and agreed the use of LMS contingency balances in the sum of £830k to support the projects for the next 3 years. Members were referred to paragraph 4.8.2 of the report, which detailed schemes to be funded 50/50 with schools, should it be agreed to utilise these monies.

In addition, Cabinet noted that the Education Scrutiny Committee raised queries around the tendering process for contracts and value for money. As the information wasn't available at the time of the meeting, the Scrutiny Committee were provided with a detailed email following the committee.

Following consideration and discussion it was moved and seconded that the recommendation in the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report the Education Capital 2019-20 be endorsed.

## **8. RE-PROFILING OF WHQS PROGRAMME AND HRA CAPITAL PROGRAMME 2019/2020**

The report, which was presented to the Policy and Resources Scrutiny Committee on 12th March and Caerphilly Homes Task Group on 14th February 2019 sought the endorsement of Cabinet on the re-profiling of the final stages of the WHQS programme with the aim of ensuring compliance by 2020.

It was noted that whilst good progress has been maintained on the delivery of the programme during 2018/19, it has been necessary to review and re-align the programme to take into account the change in circumstances, which include the loss of the second contractor who was delivering part of the internal works. Re-profiling the programme has been required in order to ensure the programme is fully compliant by December 2020.

Cabinet were assured that based on current and projected performance of the internal and external WHQS works programme (as confirmed in the WHQS Progress Report on the Final Stages of CHTG on 6th December 2018, and subsequent Welsh Audit Office (WAO) WHQS follow up report issued December 2018) the achievement of full compliance is achievable prior to the deadline of December 2020.

A separate programme of works was established for sheltered housing schemes with agreement that both internal and external works would be undertaken by the in-house workforce. This work is also on programme; however there has been a requirement to re-profile a number of the schemes as a result of additional external works being added to schemes, along with ecological surveys which have delayed some contracts by a number of months. In addition, it was noted that one sheltered housing scheme (Ty Isaf Risca) containing twelve units is now suspended from the programme, following a recent survey, due to health and safety grounds. This will be accounted for as an acceptable fail in line with the WHQS guidance document issued by Welsh Government (WG), pending a feasibility study, which is required to determine the future viability of the scheme.

The HRA Capital Programme budget has been revised based on surveyed costs projected forward to the end of the programme. Where surveys have yet to be finalised, average costs have been used based on rates from most recent tender submissions. This data has replaced the previous Savill's estimates and demonstrate that the housing business plan and the WHQS programme remains financially viable.

Cabinet thanked the Officer for the report and sought further information on the issues identified in the sheltered housing scheme Ty Isaf, with particular queries around similar premises within the area. Officers confirmed that all properties within the area have been subject to a survey, however only Ty Isaf was presenting as an issue due to levels of asbestos found.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report and as highlighted at the meeting:

- (i) the comments of Caerphilly Homes Task Group and Policy and Resources Scrutiny Committee be noted;
- (ii) the revised WHQS programme and projected increased investment totalling £250m be endorsed;
- (iii) the borrowing requirement necessary to complete the programme (currently £43m) be agreed with the proviso that the borrowing amount remains affordable within the Business Plan and the HRA.

## **9. FLEXIBLE RETIREMENT SCHEME**

The report, which was presented by the Cabinet Member for Corporate Services, sought Cabinet approval to extend the period of flexible retirement from a maximum of 6 months (9 months in exceptional circumstances) to 2 years.

It was noted that the Council's Flexible Retirement Scheme provides for employees to make applications for flexible retirement for a period of up to 6 months and 9 months in exceptional cases. The report proposed to extend the timescale of flexible retirement to a period of no more than 2 years.

Cabinet noted that requests for flexible retirement have to be supported by a business case from the Head of Service that demonstrates that the service area is able to accommodate the request both operationally and financially. This business case also has to be authorised by the relevant Director, the Head of Corporate Finance and S151 Officer and the Head of People Services. There is no automatic right for an employee's request for flexible retirement to be agreed.

In addition, the report outlined that Trade Unions have been consulted and are fully supportive of this recommended change to the scheme.

Cabinet thanked the Cabinet Member and Officer for the report and discussion ensued.

A Member sought confirmation from the Corporate Directors present, whether the recommendation was welcomed within their services. Officers confirmed that service delivery would always remain a priority and whilst this scheme would not be applicable to all posts, there are a number of benefits to this proposal including an extended transition period and a services benefit of longer periods for succession planning.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report, the extension of the timescale of flexible retirement to a period of no more than 2 years, as detailed in the updated Scheme attached at Appendix 1 of the report be endorsed..

## 10. NON RESIDENTIAL SOCIAL SERVICES CHARGING

Councillor C. Gordon declared a personal interest in respect of this item, as a close family member is in receipt of services and as a result did not take part in the voting.

The report, which was presented to the Health Social Care and Wellbeing Scrutiny Committee on 5th April 2019 sought Cabinet views and endorsement in respect of the proposed changes to the current non-residential charging model, to ensure equity for all Service users and also that the Council is complying with Social Services and Well-being (Wales) Act 2014.

The proposed changes include charging for the support element of domiciliary care, charging for day opportunities provided in a community setting and charging for a day opportunities provided by independent and third sector providers.

Members were advised that inequalities in the system have been identified. The current position is that individuals for the support element of domiciliary care that they receive are not being charged. Buildings based day care is subject to the non-residential charging policy whereas community based day opportunities where individuals access their community often with 1:1 support is not subject to the charging policy. Charging for day opportunities provided by independent and third sector providers is also included.

The Health Social Care and Wellbeing Scrutiny Committee supported the recommendations in the report in principle, with a change to paragraph 10.1 and 10.3 to include the duration of a 2 year period and not 5 years. Members considered this to be an opportune time to establish a Task and Finish Group to consider the policy and future charges and make recommendations to the Executive that will ensure that a coherent policy is in place for future years that is also fit for purpose.

Cabinet thanked the Officer for the report and discussion ensued.

Members noted the table in 4.11 of the Officers report, which provided details of charges across neighbouring authorities and noted that Caerphilly are still the lowest in comparison. However, concerns were raised around an increase causing financial difficulties to vulnerable service users. Officers assured Cabinet that the process will remain means tested, and therefore those able to afford to pay for the services, will be charged at the proposed increase rate.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report:

- (i) the charging for domiciliary support services via application of Caerphilly's Non-Residential Charging Policy, which complies with the legislation as set out in the Social Services and Well-being (Wales) Act 2014, be agreed;
- (ii) the proposal of charging for all buildings-based day opportunities at a daily rate, and for community based day services at an hourly rate via application of Caerphilly's Non-Residential Charging Policy, which complies with the legislation as set out in the Social Services and Well-being (Wales) Act 2014, be agreed;
- (iii) the level of inflationary uplift in charges for non-residential care for 2019/20 and subsequent financial years continue to increase the hourly rate by 10% per annum and the daily rate by 20% per annum, for a period of 2 years and be subject to review by a Task and Finish Group.

## 11. CABINET FORWARD WORK PROGRAMME

The report outlined the proposed Forward Work Programme for future Cabinet Reports.

It was noted that the Forward Work Programme is updated on a weekly basis to reflect any amendments that are made to it since it was first agreed on 22nd January 2014.

Members were referred to the Forward Work Programme appended to the report and asked to note that, since the publication of the papers, 2 additional reports have been added to the Programme for 24th April 2019.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons outlined in the Officers report, the Cabinet Forward Work Programme be approved.

The meeting closed at 12:04pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on the 27th March 2019.

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CHAIR