

# CITY & COUNTY OF SWANSEA

## CABINET

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**At:** Committee Room 3A, Guildhall, Swansea

**On:** Thursday, 20 August 2015

**Time:** 4.00 pm

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### AGENDA

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 14  
To approve and sign as a correct record the Minutes of the meeting of Cabinet held on 16 July, 2015.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
6. **Councillors' Question Time.**
7. **Scrutiny Report(s):**
  - 7.a Scrutiny Inquiry into Corporate Culture. 15 - 36
8. **Report(s) of the Cabinet Member for Education.**
  - 8.a Local Authority Governor Appointments. 37 - 39
  - 8.b City & County of Swansea's Pupil Referral Unit Pupil Referral Unit Management Committee. 40 - 53
9. **Report(s) of the Cabinet Member for Finance and Strategy.**
  - 9.a The Swansea Story. 54 - 56
  - 9.b Council Tax - Help for Pensioners. 57 - 58
10. **Report of the Cabinet Member for Services to Children and Young People.**
  - 10.a Western Bay Health and Social Care Programme - Regional Adoption Service. 59 - 78
11. **Report of the Cabinet Member for Services to Adults and Vulnerable People:**
  - 11.a Response to the Report of the Social Care at Home Scrutiny Inquiry Panel. 79 - 136
12. **Report(s) of the Cabinet Member for Wellbeing and Healthy City.**
  - 12.a Review of the Gambling Policy. 137 - 191

- 13. Report of the Section 151 Officer.**
- 13.a Statement of Revenue Reserves. **192 - 212**
- 14. Exclusion of the Public.** **213 - 216**
- 15. Report of the Cabinet Member for Education.**
- 15.a The Future of Employment Services in Swansea. **217 - 230**



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Tuesday, 11 August 2015**

**Contact: Democratic Services - 01792 6357576923**

**CABINET (10)**

**Labour Councillors:**

Mark C Child	Clive Lloyd
William Evans	Jennifer A Raynor
Robert Francis-Davies	Christine Richards ( <b>Deputy Leader</b> )
Jane E C Harris	Rob C Stewart ( <b>Leader</b> )
David H Hopkins	Mark Thomas

**Officers:**

Jack Straw	Chief Executive
Phil Roberts	Director of Place
Dean Taylor	Director of Corporate Services
Chris Sivers	Director of People
Lindsay Harvey	Chief Education Officer
D Howes	Acting Chief Social Services Officer
Mike Hawes	Head of Financial Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Steve Rees	Head of Human Resources
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic and hard copy
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement - Electronic and hard copy
Huw Evans	Head of Democratic Services
Democratic Services	1 Copy
Patrick Fletcher	Communications
Scrutiny Team	1 Copy
Archives	1 Copy
CAC, Licensing & Planning Chairs	7 Copies
Various Councillors	10 Copies
All Other Councillors	Via e mail

**Total Copies Needed:**

57 Full & 10 Public

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE MEETING OF CABINET

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
THURSDAY, 16 JULY 2015 AT 4.00 PM

**PRESENT:** Councillor Rob Stewart (Leader) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
M C Child	J E C Harris	M Thomas
W Evans	D H Hopkins	
R Francis-Davies	J A Raynor	

21. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors C E Lloyd and C Richards.

22. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

- 1) Councillors E T Kirchner, A S Lewis and M Thomas declared a Personal and Prejudicial interest in Minute 30 "Local Authority Governor Appointments" as they were named in the report and withdrew from the meeting prior to its consideration;
- 2) Councillors P Downing, J E C Harris and M Thomas declared a Personal interest in Minute 31 "EU Rural Development Plan 2014-2020 'LEADER' Programme Grant Acceptance" as their Electoral Wards were mentioned in the report;
- 3) Jack Straw (Chief Executive) declared a Personal and Prejudicial interest in Minute 39 "Disposal of Land Adjacent to the Tivoli, Mumbles Road, Mumbles" and withdrew from the meeting prior to its consideration.

23. **MINUTES.**

**RESOLVED** that the Minutes of the meetings listed below be approved as a correct record:

- 1) Cabinet held on 18 June 2015.

24. **LEADER OF THE COUNCIL'S REPORT(S).**

The Leader of the Council indicated that he had no announcements.

25. **PUBLIC QUESTION TIME.**

No questions were asked.

26. **COUNCILLORS' QUESTION TIME.**

No questions were asked.

27. **SCRUTINY REPORT(S): NONE.**

There were no Scrutiny Reports.

28. **21ST CENTURY SCHOOLS PROGRAMME - PENTRE'R GRAIG PRIMARY - CURRICULUM LED REMODELLING SCHEME.**

The Cabinet Member for Education submitted a report which sought authorisation to proceed with the Curriculum Led Remodelling scheme at Pentre'r Graig Primary School and to appoint Corporate Building and Property Services to undertake the work.

**CABINET DECISION**

- 1) The scheme as detailed at Pentre'r Graig Primary be authorised together with financial implications, be included in the Capital Programme;
- 2) Corporate Building and Property Services be authorised to proceed with the scheme as the principle contractor.

**Policy Framework**

One Swansea Plan;  
The Revenue and Capital Budget as reported to and approved by Council on the 10th February 2015;  
QEd 2020 programme;  
Corporate Priority to review the overall provision of schools;  
Corporate Priority to improve opportunities for children and young people;  
Corporate Priority improving school performance;  
Corporate Priority effective corporate and strategic management of assets.

**Reason for Decision**

To comply with Financial Procedure Rule 7 to approve and include new Capital schemes in the Capital Programme.

**Consultation**

Education, Poverty, Corporate Building and Services, Finance and Legal.

29. **21ST CENTURY SCHOOLS PROGRAMME - GORSEINON PRIMARY SCHOOL.**

The Cabinet Member for Education submitted a report which sought to approve and commit to the Capital Programme the scheme for the new build for Gorseinon Primary School subject to confirmation of the grant and entering into a contract with Welsh Government (subject to planning approval). It also sought authorisation to award the Contract for the works to Tender No. 4, under the agreement that following the contract award the contractor must obtain planning approval and all risks associated with not achieving planning approval are those of the contractor, and subject to confirmation of the grant and entering into a contract with Welsh Government (subject to planning approval) and finally to approve the appropriation of the proposed site at Parc Y Werin.

**CABINET DECISION**

- 1) The capital scheme as detailed together with the financial implications set out in Appendix A be approved, subject to confirmation of the grant and entering into a contract (subject to planning approval) with Welsh Government;
- 2) The contract for the design and construction of a new school for Gorseinon Primary School be awarded to Tender No. 4 under the agreement that following the contract award the contractor must obtain planning approval and all risks associated with not achieving planning approval are those of the contractor, and subject to confirmation of the grant and entering into a contract (subject to planning approval) with Welsh Government;
- 3) As no objections to the appropriation have been received, the Appropriation of the land at Parc Y Werin from the Director of Place to the Director of People be approved which will enable the building of the proposed new Gorseinon Primary School;
- 4) The Head of Legal, Democratic Services and Procurement be authorised to enter into any necessary documentation required to complete the contract and achieve the scheme.

**Policy Framework**

One Swansea Plan;  
The Revenue and Capital Budget as reported to and approved by Council on the 10th February 2015;  
QEd 2020 programme;  
Corporate Priority to review the overall provision of schools;  
Corporate Priority to improve opportunities for children and young people;  
Corporate Priority improving school performance;  
Corporate Priority effective corporate and strategic management of assets.

Reason for Decision

To comply with Financial Procedure Rule 7 (Capital programming and Appraisals) – to commit and authorise schemes as per the Capital Programme

To comply with Contract Procedure Rule 13.12 the evaluation and award of contract.

Statutory requirement under S.123 (2A) of the Local Government Act 1972 to consider any objections to the proposed appropriation of an open space.

Consultation

Education, Finance, Legal, Democratic Services and Procurement, Corporate Building and Property Services.

30. **LOCAL AUTHORITY GOVERNOR APPOINTMENTS.**

The Cabinet Member for Education presented a report which sought approval of the nomination submitted to fill Local Authority (LA) Governor vacancies on School Governing Bodies.

**CABINET DECISION**

The following nominations be approved as recommended by the LA Governor Appointment Panel:

a)	Parkland Primary School	Mr Christopher Terence O'Brien
b)	Penclawdd Primary School	Councillor Mark Thomas
c)	Seaview Primary School	Mr Ken Jones Mrs Sue James
d)	St Helens Primary School	Councillor Erika Kirchner
e)	Talycopa Primary School	Mrs Linda Irene Lewis
f)	Morryston Comprehensive School	Councillor Andrea Lewis

Policy Framework

Policy and Procedure for Appointment of Local Authority (LA) Governors as amended by Council on 23 October 2008.

Reason for Decision

To ensure vacancies are to be filled expeditiously.

Consultation

Education, Legal, Finance.



31. **EU RURAL DEVELOPMENT PLAN 2014-2020 'LEADER' PROGRAMME GRANT ACCEPTANCE.**

The Cabinet Member for Enterprise, Development and Regeneration submitted a report which set out the progress achieved in respect of the Rural Development Plan in Swansea and sought approval to deliver the 2014-2020 phase of the programme.

CABINET DECISION

- 1) The progress achieved by the project in securing full approval from the Welsh Government (WG) be noted;
- 2) The Head of Financial Services, acting as the Authorising Contact for the Project, to accept the Grant Offers made by WG be authorised;
- 3) Regular reports be made on progress to the External Funding Panel;
- 4) A Service Level Agreement be entered into with local delivery organisations where required, with any provisions necessary to protect the Council's interests, subject to evidenced proof of match funding contributions from those organisations.

Policy Framework

Swansea Bay City Region Economic Regeneration Strategy.

Reason for Decision

To approve and agree delivery of the Rural Development Plan 2014-2020 'LEADER' programme in Swansea. This is a 6-year EU-funded initiative providing a mixture of small-scale capital and revenue funding to eight wards designated as rural in City and County of Swansea.

Statutory requirement under S.123 (2A) of the Local Government Act 1972 to consider any objections to the proposed appropriation of an open space.

Consultation

Access to Services, Finance, Legal.

32. **REVENUE FINANCIAL OUTTURN 2014/15.**

The Cabinet Member for Finance and Strategy submitted a report which detailed the Revenue financial outturn for 2014-2015.

**CABINET DECISION**

- 1) The comments and variations in the report be noted;
- 2) The proposed reserve transfers detailed in Section 5.3 of the report be approved.

Policy Framework

Sustainable Swansea Budget Plan 2014-2015.

Reason for Decision

The report is presented in accordance with the Financial Procedure Rules.

Consultation

Cabinet Members, Executive Board, Legal Services and Corporate Equalities Unit.

33. **REVENUE OUTTURN 2014/15 - HOUSING REVENUE ACCOUNT [HRA].**

The Cabinet Member for Finance and Strategy submitted a report which detailed the City and County of Swansea's Housing Revenue Account (HRA) outturn compared with the approved revenue budget for 2014-2015.

**CABINET DECISION**

- 1) The variations detailed in the report be noted.

Policy Framework

Budget Plan 2014-2015.

Reason for Decision

The report is presented in accordance with the Financial Procedure Rules.

Consultation

Cabinet Members, Executive Board, Legal, Access to Services.

34. **CAPITAL OUTTURN AND FINANCING 2014/15.**

The Cabinet Member for Finance and Strategy submitted a report which detailed the capital outturn and financing for the year ended 31 March 2015.

**CABINET DECISION**

- 1) The net under spending of the approved budget of £27.413m be carried forward to 2015-2016.

Policy Framework

Budget Plan 2014-2015.

Reason for Decision

The report is presented in accordance with the Financial Procedure Rules.

Consultation

Cabinet Members, Executive Board, Legal, Access to Services.

35. **BUSINESS RATES - TEMPORARY RETAIL RATE RELIEF SCHEME (WALES).**

The Cabinet Member for Finance and Strategy submitted a report which sought to provide information and to consider the adoption of the temporary retail relief scheme relating to Business Rates that was introduced by Welsh Government (WG) in 2014 and is continued for the current financial year.

**CABINET DECISION**

- 1) The details of the scheme as detailed in the report be noted;
- 2) The retail relief scheme as outlined in paragraph 2 of the report be adopted.

Policy Framework

None.

Reason for Decision

Legislative requirement and Welsh Government grant funding condition.

Consultation

Access to Services, Legal, Finance.

36. **EXTERNAL FUNDING PANEL.**

The Cabinet Member for Finance and Strategy submitted a report which sought to amend the membership of the External Funding Panel.

**CABINET DECISION**

- 1) The Voting Members of the External Funding Panel be increased so as to include all 10 Cabinet Members.

Policy Framework

Medium Term Financial Plan;  
Sustainable Swansea - Fit for the Future.

Reason for Decision

To increase the voting membership of the External Funding Panel.

Consultation

Access to Services, Legal, Finance.

37. **ANNUAL 2014/15 PERFORMANCE MONITORING REPORT.**

The Cabinet Member for Finance and Strategy and Cabinet Member for Finance and Strategy jointly submitted a report which sought to report Corporate and Service Performance for 2014-2015.

**CABINET DECISION**

- 1) Performance be reviewed to help inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.

Policy Framework

'Standing up for a better Swansea' Corporate Improvement Plan 2013-2017 - Updated fro 2014-2015.

Reason for Decision

To receive and review the performance results for 2014-2015.

Consultation

Access to Services, Legal, Finance.

38. **SUSTAINABLE SWANSEA - FIT FOR THE FUTURE: DELIVERY PROGRAMME REVIEW.**

The Cabinet Member for Transformation and Performance submitted a report which sought to revise the Delivery Programme for the Sustainable Swansea -

Fit for the Future strategy following a review of progress so far and the changes required to address the targets contained in the Medium Term Financial Plan.

**CABINET DECISION**

- 1) The revised Delivery Programme for the Sustainable Swansea - Fit for the Future strategy as set out in the appendix to the report be approved;
- 2) The Delivery Programme be referred to Council.

Policy Framework

Sustainable Swansea - Fit for the Future;  
Medium Term Financial Plan and Budget.

Reason for Decision

To seek Cabinet approval for the revised Delivery Programme for Sustainable Swansea.

Consultation

Access to Services, Legal, Finance, Cabinet Members, Executive Board.

39. **DISPOSAL OF LAND TO ADJACENT TO THE TIVOLI, MUMBLES ROAD, MUMBLES.**

The Cabinet Member for Finance and Strategy submitted a report which sought in principle approval to proceed with the disposal of land to facilitate a regeneration scheme and to advise Councillors of objections received following publication of the Council's intention to dispose of the said land.

**CABINET DECISION**

- 1) The objections to the disposal of the open space were considered and in light of the objections an in principle decision to dispose of the property set out in this report be authorised;
- 2) Delegated power be granted to the Director of Place in consultation with the Head of Finance and Delivery, the Head of Legal and Democratic Services & Procurement and the Chief Operating Officer to negotiate and settle all final terms for the disposal;
- 3) The Council enter into any appropriate documentation necessary to further the disposal referred to in the above recommendations.

Policy Framework

One Swansea – Single Integrated Plan;

Swansea Bay City - Region Economic Regeneration Strategy;  
Destination Swansea Bay 2013-2016.

Reason for Decision

To enable the Council to enter into an agreement for the disposal of land and statutory requirement under S.123 (2A) of the Local Government Act 1972 to consider any objections to the proposed disposal of an open space.

Consultation

Access to Services, Legal, Finance, Corporate Building and Property Services, Cultural Services.

**NOTE:** Councillors considered that this item should be dealt with in the public session.

40. **EXCLUSION OF THE PUBLIC**

Cabinet were requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendations to the report(s) on the grounds that they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the report(s).

Cabinet considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

**RESOLVED** that the public be excluded for the following item(s) of business.

**CLOSED SESSION**

41. **DISPOSAL OF LAND AT MYNYDD NEWYDD ROAD, (FORMER LEO'S SITE), PENPLAS, SWANSEA.**

The Cabinet Member for Finance and Strategy submitted a report which sought to consider acceptance of an offer to purchase an area of Council land.

**CABINET DECISION**

1) The recommendations as set out in the report be approved.

Policy Framework

Asset Management Plan.

Reason for Decision

Potential disposal for a Capital Receipt which is in excess of delegated limits.

Consultation

Access to Services, Legal, Finance, Planning.

42. **PROPOSED SALE OF THE FREEHOLD OF THE FORMER ALBERTO CULVER FACTORY, ALBERTO ROAD, ENTERPRISE PARK.**

The Cabinet Member for Finance and Strategy submitted a report which sought to agree the proposed freehold sale of the former Alberto Culver Factory.

**CABINET DECISION**

- 1) The recommendations as set out in the report be approved.

Policy Framework

None.

Reason for Decision

The proposed disposal requires a Cabinet decision in line with the Council Constitution.

Consultation

Access to Services, Legal, Finance, Economic Regeneration and Planning.

43. **EQUAL PAY.**

The Cabinet Member for Transformation and Performance submitted a report which provided Cabinet with an update and sought instructions, as appropriate, for negotiations with the Trade Unions.

**CABINET DECISION**

- 1) Option ii as set out in the report be approved.

Policy Framework

None.

Reason for Decision

To provide Officers with authority to negotiate.

Consultation

Access to Services, Legal, Finance.

The meeting ended at 4.55 pm

**CHAIR**



## Report of the Corporate Culture Scrutiny Inquiry Panel

Cabinet – 20 August 2015

### SCRUTINY INQUIRY INTO CORPORATE CULTURE

<b>Purpose:</b>	This report presents the findings, conclusions and recommendations resulting from the Panel's Inquiry into Corporate Culture.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To consider recommendations made by the Scrutiny Inquiry Panel and agree action.
<b>Consultation:</b>	Legal, Finance
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet receives the report and tasks the relevant Cabinet Member to report back to the Cabinet meeting on 15 October 2015 a written response to the scrutiny recommendations and proposed action(s) for Cabinet decision.
<b>Report Authors:</b>	Councillor Andrew Jones (Panel Convener) Michelle Roberts (Scrutiny Officer)
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

- 1.1 This report presents the findings, conclusions and recommendations resulting from the scrutiny inquiry into Corporate Culture. The Scrutiny Panel's final report, appended, requires a Cabinet decision.
- 1.2 In accordance with the Council Constitution reports from scrutiny to the Executive are presented to the first available Cabinet meeting. The convener of the Panel will present the report and accompanying recommendations.

#### 2.0 Scrutiny Programme Committee

- 2.1 On 13 July 2015 the Scrutiny Programme Committee discussed and agreed the report for submission to Cabinet.

### **3.0 Cabinet Decision**

- 3.1 At this meeting the role of the Cabinet is to receive the report and task the relevant Cabinet Member to prepare a written response on behalf of Cabinet. The Cabinet Member's response report should be scheduled for a future Cabinet meeting **no later than two months** following formal receipt of the scrutiny report (in this case this will be Cabinet on 15 October 2015).
- 3.2 In their response report the Cabinet Member should recommend approval or rejection of each of the scrutiny recommendations together with an explanation. Within their report the Cabinet Member should also provide a proposed action plan to show what steps are being or will be taken to implement recommendations. Cabinet will then make a decision on the Cabinet Member's response report.

### **4.0 Follow Up**

- 4.1 The Panel will schedule a follow up on progress with the implementation of the action plan agreed by Cabinet and impact of the scrutiny inquiry, and report their views to the Scrutiny Programme Committee. The panel convener and the Scrutiny Officer will ensure that a review of progress against accepted recommendations is scheduled into future work programmes. Usually a progress report will be requested by the Panel within 6-12 months after the action plan has been agreed by Cabinet.

### **5.0 Equality and Engagement Implications**

- 5.1 Equality and engagement issues were formally considered at the scoping stage of this inquiry and borne in mind by the panel throughout evidence gathering. The Cabinet Member will need to ensure that implications are considered via application of the corporate Equality Impact Assessment process when considering the response to the recommendations.

### **6.0 Legal Implications**

- 6.1 There are no specific legal implications at this stage.

### **7.0 Financial Implications**

- 7.1 There are no financial implications to this report. Any potential implications will be outlined in the Cabinet response.

**Background Papers:** None.

**Appendices:** Appendix A – Final Inquiry Report.

## **Can do, yes please**

*How can Swansea Council ensure that service delivery is always supported by a can do culture?*



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**The Corporate Culture Scrutiny Inquiry Panel**  
**City and County of Swansea - Dinas a Sir Abertawe**



June 2015

## Why This Matters by Councillor Andrew Jones (Convener)



This topic was chosen for scrutiny because, as a Council our corporate culture underpins everything we do, from how we engage with our citizens and provide services to how we treat our staff and how we grow and develop as an organisation.

There is no one overarching culture within the Council, rather a number of shared cultures that operate within the Council to bind us together as one organisation. However, the challenges faced by cuts to Council budgets and the threat of public sector reorganisation pose a serious threat to that notion of a shared culture.

Therefore as Councillors, management and staff we have a shared responsibility to respond to these challenges by developing a “can do culture” that ensures the citizens of Swansea continue to receive the best Council service possible.

The evidence represented in this report clearly shows that there is a genuine will and enthusiasm from all involved to develop a “can do culture” throughout the Council. However this can only be achieved through the development of a clear shared vision that encourages innovation, values staff and puts in place mechanisms that empower and motivate all involved to deliver high quality services.

I am pleased to see that the both the Cabinet Member for Transformation and Performance and the Director of Corporate Services have already embraced some of the ideas outlined in the report and we hope that all our recommendations will be welcomed by the Cabinet.

Finally, I would like to thank my fellow panel members for their diligence and hard work in carrying out this inquiry. I would also like to thank the many officers and witnesses who willingly gave their time to present evidence to the panel as it was this evidence that helped shape our report, its key findings and recommendations.

## **Summary of Conclusions and Recommendations**

*How can Swansea Council ensure that service delivery is always supported by a can do culture?*

### **Conclusions**

1. Drive organisational change forward in a systematic way
2. Develop a strong and clear Swansea Story
3. Develop the skills and improve the attitudes of Managers across the organisation
4. Change staff attitudes, develop staff skills, overcome barriers to improvement develop innovation and actively encourage staff to question how we deliver our services
5. Recognise that visibility in all aspects of the programme will be key to driving change
6. Develop our income generation potential and engage staff in this
7. Be more customer centred
8. Do more targeted work by focusing in on areas for development through a more holistic and co-ordinated approach
9. Develop the role of councillors in improving the councils corporate culture
10. Monitor progress regularly include looking at good practice

### **The Panel recommends that Cabinet:**

#### **Long term challenges**

1. Ensure sustainability of a can do culture by embedding it in all aspects of organisational development.
2. Embrace a wide range of innovation methods to bring about organisational changes including using for example systems thinking approaches and user stories to help inform work.
3. Develop skills for using these methods internally within the Council in the longer term to avoid the cost of 'buying in' expertise.

#### **Medium term improvements**

4. Develop and deploy a holistic and co-ordinated approach for improving the organisational culture using a targeted approach by:
  - a) ensuring staff are engaged in the Swansea Story
  - b) developing a prioritised shortlist of those services to be targeted
  - c) introducing a development programme for Managers specifically around supporting and empowering staff including managing effective change
  - d) introducing a peer coaching initiative for Managers

- e) considering staff training needs for any future changes
- 5. Establish a streamlined measuring and monitoring process for driving improvement which is incorporated in the balanced scorecard.
- 6. Produce a single action plan that incorporates the recommendations from the peer review, staff survey, Corporate Assessment and the outcomes from this inquiry with clear development milestones.
- 7. Compare the outcomes of the annual staff survey with customer survey and publicise the results.
- 8. Take steps to ensure new staff receive corporate induction within 1 month of starting work with the Council.
- 9. Review the corporate induction programme to ensure it includes required behaviours for a can do culture and information on the innovation programme.

### **Quick wins**

- 10. Provide a clear instruction to managers prior to the next survey to maximise completion of staff survey within their teams.
- 11. Set a target for completion of the staff survey of at least 50%.
- 12. Provide guidance to managers to ensure a consistent approach to staff Induction.
- 13. Ensure that Senior Managers and Councillors model the behaviour they would like to see from staff by building innovation into manager's personal development plans and councillor annual training programmes.
- 14. Ensuring managers incorporate innovation into staff appraisals, 1-2-1s and team meetings.
- 15. Increase the variety of ways the Innovation Programme reaches staff and publicises activities considering tools like an 'innovation blog' and recording sessions accessible to staff on the Intranet.
- 16. Encourage Senior Managers to undertake 'back to the floor' type activities with the outcomes forming part of the innovation blog.
- 17. Enable Councillors to be included in innovation activities including open invitations to Purple Room events and activities including publicising these activities on councillor micro site.
- 18. Develop a procedure for Councillors to be able to spend time in an observational/shadowing capacity within different Council departments.
- 19. Meet with Trade Unions to discuss how they might be involved.

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## **1. WHY WE PRODUCED THIS REPORT**

### **Overview**

- 1.1 In selecting this topic and producing this report we wish to underline both the significance of Corporate Culture and the challenge that comes with ensuring the Council is always supported by a positive can do culture. We recognise that this work takes time to achieve in such a large and complex organisation and that it is ongoing forming a major part of the Sustainable Swansea: Fit for the Future programme. Our report aims to contribute to developing and improving the corporate culture across the organisation.

### **Selecting the topic**

- 1.2.1 The Inquiry into Corporate Culture was proposed at the Annual Scrutiny Work Planning Conference in May 2014 and was subsequently included in the scrutiny work programme by the Scrutiny Programme Committee.
- 1.2.2 This topic was chosen because Councillors recognised that having the right Corporate Culture was essential if the Council is to effectively tackle the challenges it faces. It was recognised that the staff culture needed to focus upon empowerment, personal responsibility, innovation and collaboration.

### **Sustainable Swansea: Fit for the Future Programme**

- 1.3.1 Sustainable Swansea, fit for the future is the council's long term plan for change in order to address the financial, demographic and social challenges facing Swansea. The savings of £70 million that will need to be achieved over the next three years illustrates the scale of this challenge and why change will need to be radical and far reaching.
- 1.3.2 The Council recognises that getting the right Corporate Culture is essential. Sustainable Swansea has four workstreams, all of which are relate directly to our organisational culture. These are:
- Efficiency
  - New models of service delivery
  - Prevention
  - Stopping services
- 1.3.3 This innovation programme, which has been developing is underpinned by, Sustainable Swansea: Fit for the Future Programme and the Council's Policy Commitments, those particularly relevant to this piece of work include:
- Policy Commitment
  - Innovation strand
  - Income generation strands
- 1.3.3 Further information about Sustainable Swansea can be found at: [www.swansea.gov.uk/sustainableswansea](http://www.swansea.gov.uk/sustainableswansea).

### **Intended contribution**

- 1.4.1 As a Panel we believe that we can make a valuable contribution from a Councillor perspective to improving the Corporate Culture of this organisation.



We recognise that the challenges are varied across the council and that one size does not fit all.

1.4.2 We hope that this report gives a health check on where we are currently and acts as a springboard to further improvement.

1.4.3 Specifically this report aims to contribute to this vital debate by giving cross party councillor views on the work in progress and making suggestions for further improvement. It is in this spirit that our conclusions and recommendations are offered.

## **2. EVIDENCE**

### **Evidence Collected**

2.1.1 Evidence was collected between December 2014 and April 2015. In total seven evidence gathering activities were undertaken by the Panel as follows:

- a. Q&A with Director of Corporate Services and Head of Human Resources and Organisational Development
- b. Visit to the Purple Innovation Room<sup>1</sup> and presentation and Q&A with the Innovation Co-ordinator
- c. Roundtable meeting with staff who are Innovation Leads
- d. Annual corporate Staff Survey results
- e. Q&A session with Cabinet Member for Transformation and Performance
- f. Survey of Councillors
- g. Information on good practice
- h. Q&A with Councils Commercial Manager

2.1.2 For full details of how the evidence was gathered including details of all of the findings from each session please see the findings report for this inquiry. This report can be downloaded at [www.swansea.gov.uk/scrutinypublications](http://www.swansea.gov.uk/scrutinypublications)

## **3. CONCLUSIONS**

(The Panel's conclusions are based around answering the inquiry key question) *How can the City and County of Swansea ensure that service delivery is always supported by a can do culture.* The Panel concluded that the Council should:

### **3.1 Drive organisational change forward in a systematic way**

3.1.1 The Panel recognise that the Innovation Programme has made a good start but the organisation must be more systematic in the way it drives change

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<sup>1</sup> Purple Room – an area to enable individuals and teams to meet away from their desks in a more flexible space specifically to think about new and improved ways of working. This room is available for activities related directly to innovation.

forward using a more co-ordinated and targeted approach. The Panel agreed with the Cabinet Member for Transformation and Performance that a 'cultural jolt' is needed and particularly that we must address the blame, rule and process bound culture of the organisation. This should allow staff to take more personal responsibility, be more collaborative and ultimately more innovative. Behaviours are changing but there is still a lot of work to be done. The Panel believe this will require a combination of approaches tailored to different parts of the authority. The Panel will in this report detail what they mean by this statement.

- 3.1.2 The Panel recognise that the council does not work in isolation and that it is subject to the same influences and social changes as other public sector organisations like advancing ICT, pace of life, work life balance and public expectations. We acknowledge that it is a complex organisation, made up of a wide variety of different services, recognising that *one size will not fit all*. We will need to tailor the innovation and organisational change work around what is required by each service area while keeping to the same vision and message of the organisation.
- 3.1.3 The Panel looked at desk based research around different models for organisational change along with key indicators of change and concluded that many of the outcomes found mirror those highlighted as issues here in Swansea.

***Challenges to culture change in the public sector, pointers to implementation***

In implementing culture change the evidence suggests:

- It is important to clarify, develop and sustain a shared vision across all services and at all operational levels within each individual service.
- Managers and practitioners should take time to reflect on their role and consider how they can effect positive change, and what change will mean for people supported by services.
- Leadership should be developed and demonstrated at all service levels.
- Staff training needs to be considered for current and future changes.
- Streamlined systems for recording and assessing impact of culture change need to be implemented.

**Institute for Research and Innovation in Social Services in Scotland (IRISS)**

- 3.1.4 We recognise that the recent Peer Review<sup>2</sup> will also be an important driver for change and that many of the Panel's findings mirrored those within that report. The Panel were encouraged to see that many of the recommendations and the main theme of the report was about developing our culture and approach. The Panel were keen to see the action plan arising from the Peer Review being taken forward in conjunction with the outcomes highlighted in the corporate staff survey, the Wales Audit Office Corporate Assessment<sup>3</sup> outcome and those highlighted by this scrutiny inquiry.

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<sup>2</sup> Peer Review – The Council underwent a Wales Local Government Association critical friend Peer Review in 2014

<sup>3</sup> Corporate Assessment: A Corporate Assessment is a periodic in-depth 'health check' which all councils in Wales are given and will look at the work of all areas of the organisation

## 3.2 Develop a strong and clear Swansea Story

3.2.1 The Panel agreed with the Peer Review that Swansea needed a stronger vision and clear message about what we are trying to achieve. We were encouraged to hear that the Review found overall that *Swansea is a good council, doing good things and is aware of what it needs to do to change*. The Panel believe it is important that the authority is able to be self critical and able to assess what it needs to do in order to make changes.

**Areas of strength and weakness identified in the Peer Review include:**

- A strong sense of pride in the City and County of Swansea was highlighted
- Swansea was a good council doing good things and is aware of what it needs to do to change, is self aware
- Need a stronger vision, a Swansea story, narrative that brings things together about what we want to achieve. Work has started on this.
- Needs to be quicker at decision making.
- Actions rather than meetings.
- Need to work more as one council breaking down silos.
- Leadership including Councillors must be visible and 'walk the talk'.
- Need to establish more of a role for the council as a city leader and develop our brand/approach.
- Need to be more commercial by trading and exploiting our assets.

3.2.2 The next important step will be getting staff to 'buy in' to the Swansea Story and ensuring commitment to those priorities. Getting the message out there to all staff will be absolutely vital. The Swansea Story needs to matter to staff, and must include what we trying to achieve. Staff must be able to understand where they fit into the Story. This will be an important role for managers. Staff must be clear about what they can actually do to improve services. The Panel believe that staff (and managers) also need to understand what innovation actually means to them i.e. that it can be small ideas within their work as well as big ideas for how to change and run services. The Panel was of the view that staff needed to understand what will be in it for them, what is their motivation for change - will this be for example better processes, a better service for the end user, a better more empowered working environment etc.

3.2.3 Communicating with and engaging staff across the Council in this process is vital. The Panel heard about the work that is currently being done around internal communications and were supportive of the new Staff Engagement Strategy. The Panel heard that the council has a number of ways of engaging with employees but found one of the biggest challenges was engaging with those staff who work more remotely and/or do not have access to IT at work. This is where getting the basics of staff appraisals, 1-2-1's and team meetings is essential in order for information to be cascaded to and for feedback to be initiated.

## 3.3 Develop the skills and improve the attitudes of Managers across the organisation

3.3.1 Our message and approach must be clear that managers must engender an environment of trust where staff feel they are able to be innovative within their work environment, feeling empowered to make suggestions and carry through change. The Panel recognise that this is not necessarily something that all

managers are currently skilled to do, that many will need to learn how to get the best from staff through coaching and empowerment rather than micro management. Supporting and empowering staff should be a key tool in a managers' portfolio of skills, development in this area is therefore especially important. We must move away from micro management, wasting time, controlling small detail and move towards encouraging staff to be more self-aware.

- 3.3.2 We need to address any potential barriers to engaging with the innovation programme. This includes changing attitudes of staff particularly where a block has been identified at middle manager level. It is important that managers portray the wider picture and a positive and encouraging attitude to their team's involvement in innovations activities.
- 3.3.3 It appears historically that many managers across the organisation have been subject specialists rather than people managers. We must identify and address the deficit using management training, peer mentoring and through future recruitment practices.
- 3.3.4 There must be a clear expectation that managers take time to connect regularly with their staff. Engaging with them through consistent and regular appraisals, 1-2-1's and team meetings.
- 3.3.5 Issues identified in the staff survey particularly around bullying and harassment must be addressed. The Panel were pleased to hear that the council has made it clear that there is a zero tolerance policy in this matter and managers should play a role in ensuring this policy is active.
- 3.3.6 New and existing managers will need specific training in how to support and empower staff. Some may need more support than others, requiring more than simply a few hours in off-site training and then be expected to be able to empower their staff. Some managers may require a more hands on approach for example peer mentoring from fellow experienced people managers. The authority needs to be certain that all managers have the capacity and ability to do this; this should to be monitored and follow up training offered if required.

### **3.4 Change staff attitudes, develop staff skills, overcome barriers to improvement, develop innovation and actively encourage staff to question how we deliver our services**

- 3.4.1 The Panel found the Purple Room concept is a good one and supported the notion where staff are given the space to innovate whether this is physically in the actual 'purple room' or elsewhere.
- 3.4.2 The Panel were keen to hear about some of the events that have taken place and about what happens to many of the ideas that arise through these sessions. We wanted to explore what happened to those ideas but were disappointed to hear that they were not recorded and tracked. The Panel did recognise that this would be rather labour intensive but felt it could help to provide a clearer understanding of what is happening in departments to new ideas/innovations and identify where barriers might be. The Panel did also feel that it is important for service managers to have responsibility for this. The Panel did recognise that there is no central budget for innovation work.

- 3.4.3 It was also thought that the authority could build upon and capitalise more on the work that is being done in the purple room sessions and other related activity by reaching a wider audience through accessing and participating in activities in different ways including remotely, investigating the Webinar or similar type activity and recording sessions to view on line after. The importance of communicating outcomes and successes of these sessions and innovation work more widely was raised. For these reasons the Panel suggest that an innovation blog is put in place. This could be modelled around the successful chief executive's blog and be open to views, ideas and comments. One example of this is the Local Government Information Unit blog at <http://www.lgiu.org.uk/blog/> which is clear and encourages comments and debate on issues blogged. The Panel were pleased to hear that an innovation newsletter was circulated on a quarterly basis which is made available to all staff, recognising that only 40% of staff may have access to any online activity.
- 3.4.4 The Panel heard about the Innovation Leads Network and were impressed with the enthusiasm and experience of the staff from the innovation community who participated in the roundtable meeting with them. The Panel considered this community of approximately 85 staff to be a hugely beneficial tool in helping to take the message across the council.
- 3.4.5 Some of the barriers identified through the councillor survey to developing a 'can do' corporate culture were poor communication, not engaging with staff and resistance to change.

The innovation community is a virtual community and is open to any member of staff who is involved in or interested in innovation, continuous improvement and change activity. The purpose of the community is to:

- Help drive cultural change and support the corporate change agenda
- Assist with delivery of the Sustainable Swansea Fit for Future Programme
- Develop officers to support/lead change, improvement and innovation
- Create a forum to support idea development and design
- Share and research best practice
- Provide a mechanism for practitioners to network
- Provide information and advice on relevant subject areas

**Terms of Reference of the Innovation Community**

- 3.4.6 The Panel found the issue around changing the blame culture in the organisation as a particularly difficult one and hard to change because we do not work in isolation with the organisation being influenced by internal and external attitudes. We therefore need to counteract the *blame environment* prevalent outside the council as well as internally, including for example bad publicity and public criticism.
- 3.4.7 The Panel also recognised the difficulty and barriers to the council becoming less risk adverse. There are many influences on council staff around this including the importance of holding the public purse and ensuring we are not taking undue chances with public money. We recognise that this is a fine balance to strike and staff, managers and councillors fear getting this wrong.

We were encouraged by the work being completed by the Councils Commercial Team around income generation and raising staff awareness.

- 3.4.8 The Panel would like to emphasise the role that can be played by Trade Unions within the organisational change process. Developing a good relationship with unions can both enable views from a staff perspective and help get the message out there to all staff especially those staff not on email system.
- 3.4.9 The Panel were provided with information on the first council wide survey of staff since 2005 and were informed that there at been a response rate of 25%. This is a disappointing uptake and a more consistent completion of the survey by staff across the council was needed. It had been accessible online via internal and external website, with hard copies available for staff not on email. A total of 2227 responses were received. The survey will be run annually and work to address the next survey completion rates will be made running up to that. We believe it is essential that this work is done to improve the response rate and also to engender more trust in the process. The Panel were pleased to see work in relation to this was planned.
- 3.4.10 The perception that staff suggestions are not taken seriously was identified as a barrier to completion which the Panel believe will ultimately cause disengagement and disinterest amongst staff in the innovation process if not addressed. It was also believed that managers could have a much stronger role in emphasising the importance of completion of the survey especially in reaching those staff that are not on email/Intranet.
- 3.4.11 The Panel found the outcomes of the most recent staff survey was largely positive and was reflective of many of the issues arising from the peer review. The Panel thought it would be beneficial to correlate the outcomes of the staff survey with any customer surveys annually to identify commonalities and issues to be addressed.

***Staff Survey Results – Actions agreed by Executive Board***

- Publicise results to staff
- Develop and promote the Swansea story to provide clear vision
- Adopt a zero tolerance approach to harassment, bullying and abuse
- A commitment to ‘continue the conversation’ with staff by improving day-to-day engagement led by managers
- Provide more opportunities for staff to participate and become involved, including new staff suggestion scheme
- Develop service-based action plans to tackle ‘local’ issues raised in the survey

- 3.4.12 There is a clear need to improve the consistency and promptness of Induction practices for new staff within the Council. We were informed that e-learning is available but believed that there also was a need for a human element. Part of it must be ‘face to face’ with managers. Managers need to introduce staff to ‘can do’ ways of working including the importance of the innovation programme and the Sustainable Swansea agenda. This should be done with all new staff and done quickly after starting with the organisation. A form of induction also needs to be in place for any short term Agency staff to ensure they are clear about our ways of working.

- 3.4.13 Changing attitudes will be central to improving the culture and especially in creating a 'can do' attitude. The Panel recognise that culture change can be a gradual process especially where staff may have been required to be rather process bound. It is a challenging process getting staff to change their mindset to be more problem solving. This will be essential for staff and the organisation in meeting future challenges.
- 3.4.14 Staff morale was recognised as a potential barrier which the Panel believe will need to be addressed. Attitudes and motivation in some areas may be more negative, where some members of staff may have experienced displacement, redundancies and negative job evaluation grading.
- 3.4.15 The Panel were pleased to hear about the revamped staff suggestion scheme, hoping it will provide staff with another avenue for ideas. It is essential that a clear process to feedback the outcome of their suggestions is built into the process.

### **3.5 Recognise that visibility in all aspects of the programme will be key to driving change**

- 3.5.1 The Panel agreed that it was important that staff see the bigger picture of the organisation and understand the wider delivery of services, suggesting that this will help them move away from silo working and encourage new methods of working that are more joined up and less bureaucratic in nature.
- 3.5.2 The Panel found that there is a need for greater visibility with staff of Senior Officers and Councillors both Cabinet Members and elected councillors more widely. The Panel wished to emphasise the importance of demonstrating the drive for change and leading by example. Breaking down barriers between the executive board, councillors and staff is important for example through more activities like 'back to the floor' and spending time with staff especially in the front line services. Publicising this work and what was learnt to staff via the internet or an innovation blog would help with extending this visibility.
- 3.5.3 Showing visibility in what we are doing as an organisation around innovation and culture change including publicising success stories is essential. This blog should also be public to encourage external and public engagement.

### **3.6 Develop our income generation potential and engage staff in this**

- 3.6.1 It is important that we meet the challenge as a council of reduced budgets by increasing income generation. In order to do this we need to actively adjust staff attitudes and thinking to become more commercially minded. The Panel agree that many staff across the organisation have the skills and expertise to identify and progress income opportunities but we need to increase this knowledge base. The Panel emphasised the importance of staff being kept aware of developments and of the achievements made to ensure that staff recognise that the very best is being done to retain services and jobs. They need to understand that their input and assistance is absolutely vital. There is a role for this in the new Employee Engagement Strategy.
- 3.6.2 The Panel found that one of the barriers was at middle manager level, where ideas are not always encouraged or taken seriously. The Panel agreed that

all managers at all levels of the organisation must understand how important it is for ideas and innovations to be nurtured and recognised. Staff must also receive feedback about the progression of their ideas/innovations.

- 3.6.3 The engagement of staff and councillors in developing the council's income generation potential as well as identifying areas of waste was seen as key to addressing the Councils budget challenges.

### 3.7 Be more customer centred

3.7.1 We must as a Council regularly look at how we operate and ensure we are being customer centred. Panel members particularly mentioned the issues of not being 'shunted' about the organisation when you have a query or request. Helping customers at the initial point rather than 'passing calls on' was encouraged. This will require staff to work together more effectively and not just in departmental boxes. Some improvements have been made in relation to silo working but the Panel believe that this is still an issue that needs to continue to be addressed.

3.7.2 We must look at our systems and processes from the viewpoint of the customer. This will include removing unnecessary or inadequate processes and procedures. User stories<sup>4</sup> can also be a useful tool when looking to improve services. It is vital that staff are closely involved in this as they are in the best position to identify, understand and rationalise these processes. It will also help to ensure 'buy in' to the new ways of working which in turn will make them more sustainable.

#### ***The Importance of organisational culture***

The patient experience can be key to transforming the organisation. For patient experience to be used effectively within an organisation, the organisation needs to be prepared to change. There is no 'tick box' exercise, but rather a fundamental engagement with the idea of starting with the patient.

However, culture change is challenging, particularly when the change can threaten traditional ways of working. NHS organisations reported that investment in understanding patient experience and providing support for staff at all levels is necessary to achieve a real change in culture.

One senior manager explained '*just having a nice big action plan was not enough, there was a need for staff to believe in what they were doing. Its addressing staff attitude and values head on*'.

**NHS Institute for Innovation and Improvement**

3.7.3 The Panel were keen to hear about 'systems thinking' work within the council and also encouraged the use of 'user stories' to inform services/process changes. The Panel understood that the authority is 'buying in' expertise to do some 'systems thinking' work but would like to see staff internally trained within the organisation to carry out these activities in the longer term. The panel were subsequently informed that the expertise that has been brought in has been to 'up skill' a core number of employees so they are able to support the systems thinking work with the purpose that staff internally carry out these activities going forward.

<sup>4</sup> User stories – information collect from service users about what they want from a particular service.



### 3.8 Do more targeted work by focusing in on areas for development through a more holistic and co-ordinated approach

3.8.1 We recognise that a lot of work is already being done in relation to changing the organisational culture here in Swansea but the Panel felt that for it to be most effective the authority will need to draw it all together in a more targeted, co-ordinated and joined up way. This would require a 'co-ordinated hit' on areas across the authority with the aim of tipping the balance in favour of an excellent can do culture.

3.8.2 In order to do a co-ordinated hit in areas of the council those services that will benefit most will need to be identified. A priority list of areas to be targeted should therefore be identified. The Panel did look into this aspect but from their evidence do not get a clear message about who should be prioritised. But did agree that it should start with those services with the most public face. It will be beneficial to pilot this in smaller area/s, with quick wins along the way publicised. This will help raise morale and ensure a co-ordinated approach.

3.8.3 Targeting areas with a co-ordinated approach should include:

- Training for managers in supporting and empowering staff
- System thinking work
- Consistent appraisal, 1-2-1 and team meeting processes incorporating innovation time within these
- Innovation awareness and events for staff and managers
- Visibility of senior managers and Councillors raised
- Encouragement of staff suggestions, recording and tracking these to fruition, identifying any barriers, publicising outcomes and feedback to staff.
- Involvement of trade unions

*Issues highlighted by staff in respect of innovation and the culture of the organisation*

- Innovation is often seen as something that is nice to do than something that is part of the day job.
- Suggestions put forward by staff going unanswered.
- Staff are being 'blocked' from engaging with the programme or attending events.

*Themes to overcome barriers and encourage innovation and creating a can do culture*

- Programme of events for senior leadership team
- Heads of Services are involved in developing a programme for middle management development.
- Innovation built into Employee Management process with managers.
- A back to basics approach is adopted and checklist of behaviours is to be developed in respect of leadership style.
- Staff given space away from job to innovate
- Senior Management Group and role of the quarterly meeting to be reviewed to incorporate more problem solving sessions

*Linked to above, Peer Review suggests:*

- All Directors and Heads of Service to specifically host action learning events
- Develop a programme of positive change stories for the public and internally 'INSPIRE'
- Develop a programme of member seminars focussed on change agenda
- Develop a programme of public seminars focussed on change agenda

**Director of Corporate Services Overview Report 12 November 2014**

3.8.4 Once targeted work moves on from an area we must ensure there is follow up/monitoring in place to ensure successes are sustainable.

### **3.9 Develop the role of councillors in improving the councils corporate culture**

3.9.1 The Panel were keen to emphasise the importance of engaging and involving councillors in improving the corporate culture of the organisation. The Panel were pleased to see from our councillor survey that 86% of those who responded felt well informed about matters relating to corporate culture so the next step in for them to feel well engaged in the process.

3.9.2 The Councillor Survey highlighted that they felt they could best contribute to the development of a 'can do' culture in Swansea by meeting and talking with staff, demonstrating and reinforcing the 'can do' culture, improving communication and thinking more widely and not just within their own wards.

3.9.3 Visibility and involvement of councillors was seen as important to improving organisational culture. Building relationships with officers is seen as important, especially for councillors to get to know the staff in different parts of the council. The Panel liked the idea of Councillors having the opportunity of spending a little time in a chosen service, to see how it works and maybe shadow an employee.

3.9.4 The ideas identified in the councillor survey to improve the corporate culture within the organisation included working together and engaging with all staff and residents, strong leadership, regular communication, staff rewards and the importance of a no blame culture.

*How do you think Councillors could best contribute to the development of a 'can do' culture in Swansea?*

- By talking and meeting staff in all services that the Council provides so that it shows we are all working for the citizens of Swansea.
- Communication is vital. Meetings on a regular basis. Making clear what the policies are & monitoring the implementation of any new policies. Work together with staff however good scrutiny is a priority.
- Councillors can help by getting the council to understand the frustration experienced by their Council Tax Payers.
- Invite all councillors to put up a suggestion for something off the wall, at least twice a year.
- Be prepared to adopt practices that may go against political views.
- Being more visible
- Important to think beyond own ward, strive to achieve improvements beyond self-interest - however, this has to be balanced by representing the interests of own constituents. Not accept status quo: challenge 'official views' of officers if they stand in the way of making things better. Actively listen to constituents and, even if a request appears to be unfounded, make enquiries before coming to conclusions (sometimes something 'ludicrous' turns out to be a misunderstanding and has real value).
- We need to be included in all aspects of Sustainable Swansea, then if we know what is on the agenda and we understand we can gently deliver the message to the people of Swansea. Also when we try to engage with officers they accept we are part of this organisation and that we need to work together.
- Demonstrate a desire for change

**Councillor Survey February 2014**

### **3.10 Monitor progress regularly include looking at good practice**

3.10.1 The Panel explored how we might know when we have an excellent corporate culture and how will we measure it? The difficulty in measuring attitudes and creating a benchmark was recognised but the Panel believed that some of the best ways to do this could include annually:

- a) Staff survey, benchmark established this year.
- b) Customer survey, benchmark established.
- c) Focus group with staff
- d) Focus group with users
- e) Consulting with councillors, views sought

3.10.2 The results of the Councillor survey suggested that the main indicators of a can do culture should include the following and these should be recognised in any measuring/monitoring process developed:

1. A willingness to try new things
2. Satisfied customers
3. A no blame culture
4. An organisation that listens and responds to staff and the public
5. Where ideas and innovations are embraced
6. Where staff feel happy

3.10.3 Evidence gathered suggests making connections with other organisations is a positive thing. Reviewing our practice and looking at innovations elsewhere will ensure that we are at the top of our game. It is important to see how others, with similar pressures, are improving their organisational culture. The Panel recognise that one size does not fit all but by continuing to be outward looking and seeing how others are operating will always be of benefit.

3.10.4 Ensuring that we plan for the sustainability of any culture change was seen as essential - we must not take our eye off the ball when attention moves on from the issue.

## **4. RECOMMENDATIONS**

The Panel commends Cabinet to consider all issues and ideas raised by this inquiry and, in particular, the recommendations set out below.

The Panel recognises that the Authority

- (a) will need to ensure that any subsequent actions are legal and meet the requirements of any relevant legislation;
- (b) has a responsibility to make the best use of limited resources and that any additional costs will need to be considered carefully as part of the annual budget setting process.

The Panel has kept these principles in mind in the course of its investigations.

## **The Panel recommends that Cabinet:**

### **Long term challenges**

1. Ensure sustainability of a can do culture by embedding it in all aspects of organisational development.
2. Embrace a wide range of innovation methods to bring about organisational changes including using for example systems thinking approaches and user stories to help inform work.
3. Develop skills for using these methods internally within the Council in the longer term to avoid the cost of 'buying in' expertise.

### **Medium term improvements**

4. Develop and deploy a holistic and co-ordinated approach for improving the organisational culture using a targeted approach by:
  - a) ensuring staff are engaged in the Swansea Story
  - b) developing a prioritised shortlist of those services to be targeted
  - c) introducing a development programme for Managers specifically around supporting and empowering staff including managing effective change
  - d) introducing a peer coaching initiative for Managers
  - e) considering staff training needs for any future changes
5. Establish a streamlined measuring and monitoring process for driving improvement which is incorporated in the balanced scorecard.
6. Produce a single action plan that incorporates the recommendations from the peer review, staff survey, Corporate Assessment and the outcomes from this inquiry with clear development milestones.
7. Compare the outcomes of the annual staff survey with customer survey and publicise the results.
8. Take steps to ensure new staff receive corporate induction within 1 month of starting work with the Council
9. Review the corporate induction programme to ensure it includes required behaviours for a can do culture and information on the innovation programme.

### **Quick wins**

10. Provide a clear instruction to managers prior to the next survey to maximise completion of staff survey within their teams.
11. Set a target for completion of the staff survey of at least 50%
12. Provide guidance to managers to ensure a consistent approach to staff Induction.
13. Ensure that Senior Managers and Councillors model the behaviour they would like to see from staff by building innovation into manager's personal development plans and councillor annual training programmes.
14. Ensuring managers incorporate innovation into staff appraisals, 1-2-1s and team meetings.

15. Increase the variety of ways the Innovation Programme reaches staff and publicises activities considering tools like an 'innovation blog' and recording sessions accessible to staff on the Intranet.
16. Encourage Senior Managers to undertake 'back to the floor' type activities with the outcomes forming part of the innovation blog.
17. Enable Councillors to be included in innovation activities including open invitations to Purple Room events and activities including publicising these activities on councillor micro site.
18. Develop a procedure for Councillors to be able to spend time in an observational/shadowing capacity within different Council departments.
19. Meet with Trade Unions to discuss how they might be involved.

## **ACKNOWLEDGEMENTS**

The Panel is very grateful to everyone who contributed to the inquiry.

The Panel would like to thank Councillor Clive Lloyd (Cabinet Member for Transformation and Performance), Dean Taylor, Director of Corporate Services, Steve Rees, Head of Human Resources and Organisational Development and Leanne Cutts, Innovation Co-ordinator, for all of their help and information provided.

The Panel would like to record its thanks to the following people who came and gave evidence including Andrew Hopkins, Interim Commercial Manager, Lee Wenham, Head of Communications and Customer Engagement, the Innovation Leads who attended the roundtable session with the Panel, Councillors and staff that gave their views via the surveys.

## **ABOUT THE INQUIRY PANEL**

The **Corporate Culture Scrutiny Inquiry Panel** was established by the Scrutiny Programme Committee on a task and finish basis to carry out this work. It is a team of cross party Councillors who are not members of the Cabinet. The role of inquiry panels is to examine a strategic issue of concern and to make recommendations about how policies and services can be improved.

### **Members of the Panel**


Andrew Jones (Convener)  
Jan Curtice  
David Cole  
Paul Meara  
Anthony Colburn  
Erika Kirchner  
Nick Davies  
Mandy Evans  
Joe Hale  
Terry Hennegan  
Mike White

### **NEXT STEPS**

The report will be presented to Cabinet for decision. The Panel will reconvene within 12 months from decision to follow up on progress with the implementation of recommendations agreed by Cabinet and assess the impact of its work.

The inquiry was supported by Michelle Roberts from the Council's Scrutiny Unit.

### **For further information contact:**

Michelle Roberts  
Scrutiny Officer  
City and County of Swansea  
[Michelle.roberts@swansea.gov.uk](mailto:Michelle.roberts@swansea.gov.uk)  
 01792 637732

## Report of the Cabinet Member for Education

Cabinet – 20 August 2015

### LOCAL AUTHORITY GOVERNOR APPOINTMENTS

<b>Purpose of Report:</b>	To approve the nominations submitted to fill L. A. Governor vacancies in School Governing Bodies.
<b>Policy Framework:</b>	Policy and Procedure for Appointment of L. A. Governors as amended by Council on 23 October 2008.
<b>Reason for Decision:</b>	To ensure vacancies are to be filled expeditiously.
<b>Consultation:</b>	Education, Legal, Finance.
<b>Recommendation:</b>	It is recommended that: -  1. The nominations be approved, as recommended by the LA Governor Appointment Panel.
<b>Report Author:</b>	Allison Gough
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 The nominations referred for approval

1.1 At the meeting of the L.A. Governor Appointment Panel held on 23rd July 2015, nominations were recommended for approval as follows:

1. Brynhyfryd Primary School (3 vacancies)	Cllr. Cyril Anderson Mrs Debbie Whyte Cllr. Mike White
2. Cwmrhydyceirw Primary School	Mr Neil Roberts

3. Gors Primary School	Cllr. Elliot King
4. Grange Primary School	Cllr. Mark Child
5. Mayals Primary School	Mrs Felicity Padley
6. Pen-y-Fro Primary School	Mr Simon Clark
7. Pontybrenin Primary School	Mrs Sarah John
8. Bishop Vaughn Catholic Comprehensive School	Mr Terence Jones
9. Dylan Thomas Community School	Mrs Sybil Smith
10. Penyrheol Comprehensive School	Mr Graham Ashman



## **2.0 Financial Implications**

2.1 There are no financial implications for the appointments; all costs will be met from existing budgets.

## **3.0 Legal Implications**

3.1 There are no legal implications associated with this report.

## **4.0 Equality and Engagement implications**

4.1 There are no equality and engagement implications associated with this report.

**Background papers:** None

**Appendices:** None

# Agenda Item 8.b

## Report of the Cabinet Member for Education

Cabinet - 20 August 2015

### CITY & COUNTY OF SWANSEA'S PUPIL REFERRAL UNIT MANAGEMENT COMMITTEE

<b>Purpose:</b>	To seek approval for the City and County of Swansea's Pupil Referral Unit (PRU) Management Committee's Instrument of Government following new Regulations and Statutory guidance.
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	To comply with legislation.
<b>Consultation:</b>	PRU Management Committee, Education, Finance, Legal and Access to Services
<b>Recommendation(s):</b>	It is recommended that Cabinet:  <ol style="list-style-type: none"><li>1. Approve the PRU Management Committee's Instrument of Government attached at Appendix A.</li><li>2. Note the PRU Management Committee's Terms of Reference attached at Appendix B.</li></ol>
<b>Report Author:</b>	Fraser Newbury
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Sherrill Hopkins

#### 1.0 Background

- 1.1 The Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014 (the Regulations) require local authorities to establish management committees to run pupil referral units (PRUs) in their area, and make provision for the constitution and procedures of such committees.

- 1.2 Part 2 of the Regulations requires local authorities to establish a committee in relation to each PRU in their area, with a proviso that a committee may run more than one PRU.

In Swansea, the City & County of Swansea PRU currently encompasses four centres / provisions registered as a single portfolio:

- Arfryn Education Centre
- Key Stage 4 Education Centre
- EOTAS Pathways
- Step Ahead Education Centre

- 1.3 The distinction between the roles and responsibilities of management committees and the LA are clearly defined in new statutory guidance, and can be found in Appendix C.

## **2.0 Management committee membership**

- 2.1 Parts 3 and 4 of the Regulations states the category of membership and composition for PRU management committees, as follows:
- Parent members.
  - Staff members.
  - Authority appointed members (this can include elected councillors).
  - Community members (the regulations make clear that a person is disqualified from appointment as a community member if that person is eligible to be a staff member of the committee, or an elected member of the authority).
  - Sponsor members (persons who give substantial assistance to the PRU, financially or in kind, or who provide services to the PRU).
- 2.2 The management committee should have no fewer than 7 and no more than 20 members.
- 2.3 The Regulations are specific with regard to the number of members within each category:  
Of the total number of members:
- a) At least one but no more than one fifth must be parent members;
  - b) At least one but no more than one third must be staff members;
  - c) At least one but no more than one third must be authority appointed members;
  - d) At least one but no more than two may be sponsor members; and
  - e) The number of community members must out number all other members listed in a) to d) above

### **3.0 Instrument of Government and Terms of Reference**

- 3.1 Regulation 5 requires that PRU's must have an Instrument of Government approved by the relevant Local Authority.
- 3.2 The PRU's Management Committee proposed the draft Instrument of Government attached at Appendix A on the 23<sup>rd</sup> April 2015 for approval by Cabinet.
- 3.3 The Terms of Reference agreed by the PRU Management Committee are attached at Appendix B.

### **4.0 Financial Implications**

- 4.1 There are no financial implications arising from this report
- 4.2 The local authority's financial and accounting procedures will be adopted.

### **5.0 HR Implications**

- 5.1 The local authority's HR policies and procedures will be adopted.

### **6.0 Legal Implications**

- 6.1 The PRU's Management Committee's Instrument of Government and Terms of Reference comply with The Education (Pupil Referral Units) (Management Committees etc.) (Wales) Education Regulations 2014 and the associated Welsh Government Statutory guidance.

**Note:**

It is the local authority's duty to make arrangements for the provision of suitable education for children who may not receive such education in a mainstream school because of illness, exclusion or otherwise. It is the local authority's responsibility for maintaining the PRU and must ensure that the PRU is suitably resourced and organised to provide a high standard of education. The Local Authority retains responsibility for appointments and dismissals.

The Education (Pupil Referral Units) (management Committees etc.) (Wales) Regulations Statutory Guidance Annex D specifies the roles and responsibilities for the Local Authority and the Management Committee.

### **7.0 Equality Implications**

- 7.1 An Equality Impact Assessment screening form has been completed and a full EIA report is not required.

**Background Papers:**

[The Education \(Pupil Referral Units\) \(Management Committees etc\) \(Wales\) Regulations 2014](#)

[The Education \(Pupil Referral Units\) \(Management Committees etc\) Wales Regulations 2014 - Welsh Government Statutory Guidance 134/2014](#)

**Appendices:**

Instrument of Government- Appendix A

Terms of Reference- Appendix B

Roles and responsibilities of management committees – Appendix C

## APPENDIX A

### City and County of Swansea Portfolio PRU Management Committee

#### Instrument of Government

1. **Name of the PRU** City & County of Swansea, Portfolio PRU
2. **Reference No:** 670 1113
3. **Addresses:**
  - Arfryn Education Centre** Heol Frank. Penlan, Swansea  
SA5 7AH  
Tel: 01792 584441
  - Key Stage 4 Education Centre** Brondeg, St Johns's Road, Manselton, Swansea  
SA5 8PR  
Tel: 01792 578271
  - EOTAS Pathways** Dan y Coed House, Huntington Close,  
West Cross, Swansea  
SA3 5AL  
Tel: 01792 405689
  - Step Ahead Education Centre** Gors Avenue, Cockett , Swansea  
SA1 6SF  
Tel: 01792 584435
4. **Name of the Management Committee** City and County of Swansea  
PRU Management Committee
5. **Composition of the Management Committee**

Category of Membership	Numbers required	Term of Office
Parent	1	4 years
Staff	3 (Leads)	
Local Authority	3	4 years
Community	9	4 years
6. **Total** 16
7. **This instrument of government comes into effect on:**
8. **This instrument was made by order of the City and County of Swansea on:**

## APPENDIX B

### City & County of Swansea PRU Management Committee Terms of Reference

<b>1.0</b>	<b>Roles &amp; Responsibilities of the Management Committee</b>
1.1	<p>The management committee will play a strategic and advisory role in exercising their functions, and any functions delegated to them by the local authority. In particular, the management committee will work closely with the local authority in setting up a strategic framework for the PRU to include:</p> <ul style="list-style-type: none"> <li>• Setting out appropriate aims and objectives</li> <li>• Identifying and including policies, targets and priorities</li> <li>• Setting out arrangements for monitoring and reviewing aims and objectives, and whether the policies, targets and priorities are being achieved</li> </ul>
1.2	<p>The management committee will be responsible for:</p> <ul style="list-style-type: none"> <li>• Conducting the PRU</li> <li>• Dealing with complaints relating to the curriculum</li> <li>• Discipline</li> <li>• Appraisal of teaching staff</li> <li>• Ensuring that the voice of the pupil is heard</li> </ul>
<p><b>Note:</b>  <i>It is the local authority's duty to make arrangements for the provision of suitable education for children who may not receive such education in a mainstream school because of illness, exclusion or otherwise. It is the local authority's responsibility for maintaining the PRU and must ensure that the PRU is suitably resourced and organised to provide a high standard of education. The Local Authority retains responsibility for appointments and dismissals.</i>  <i>The Education (Pupil Referral Units) (management Committees etc.) (Wales) Regulations Statutory Guidance Annex D specifies the roles and responsibilities for the Local Authority and the Management Committee.</i></p>	
<b>2.0</b>	<b>Meetings</b>
2.1	The committee will meet no less than once each term.
2.2	The chair, or any three members of the management committee can request a management committee meeting by giving written notice to the clerk that summarises the business to be conducted. The clerk will then convene a meeting as soon as is practicable.
2.3	The meeting agenda and any associated papers should be circulated via e-mail, five school days prior to each meeting.

2.4	All members will be required to declare if there is any potential for real or perceived conflict of interest in relation to any matters considered by the committee
<b>3.0</b>	<b>Membership</b>
3.1	A list of members can be found at Annex 1
3.2	Any member absent for two consecutive (termly) meetings will be asked to give up their membership of the committee (unless there are exceptional circumstances). The clerk will be asked to find a new member.
3.3	The term of office for all committee members is four years. Any member may at any time resign by giving written notice to the clerk. A member who reaches the end of their term and remains eligible, can be re-appointed or re-elected for a further term.
<b>4.0</b>	<b>Additional Members and Subgroups</b>
4.1	It is at the management committee's discretion whether they chose to appoint sponsor members. The management committee can appoint a maximum of two persons as sponsor members.
4.2	The Management Committee will establish two sub-groups: <ol style="list-style-type: none"> <li>1. Curriculum &amp; Standards sub group</li> <li>2. Behaviour &amp; Attendance sub group</li> </ol> The sub-groups will report back to the management committee for decisions.
<b>5.0</b>	<b>Chair / Vice Chair</b>
5.1	The term of office of the chair / vice chair is one year.
5.2	The chair / vice chair will hold office until their successors are appointed. However, they may choose to resign at any time by giving notice in writing to the clerk of the management committee, or they may be removed in line with the Welsh Government regulations.
5.3	The chair or vice chair has the power to carry out functions of the management committee if a delay in exercising a function is likely to be seriously detrimental to the interests of the PRU, a pupil at the PRU or their parents, or a person who works at the PRU.
<b>6.0</b>	<b>Quorum</b>
6.1	The quorum for any management committee meeting (and vote) must be one half (rounded up to a whole number) of the membership of the management committee. This does not include any member vacancies. For example: if the full membership is 15, then the quorum for a management committee is eight members. However, if there are two vacancies on a committee of 15, the quorum is 7.



<b>7.0</b>	<b>Voting</b>
7.1	Every question to be decided at a management committee meeting by vote, must be one half (rounded up to a whole number) of the membership of the management committee. This does not include any member vacancies.
<b>8.0</b>	<b>Budgets &amp; Finance</b>
8.1	Whilst it is the responsibility for the Local Authority to establish a budget and finance policy for the PRU, the Committee will be kept informed of the budget and expenditure within the PRU's through regular reporting to the management committee by the Heads of Centre.

## Annex 1

### Management Committee Membership

<b>Community Members</b>	Mr Rob Phillips (Head teacher) Mr Alan Tootill (Head teacher) Mrs Alison Williams (Head teacher) Mrs Bev Phillips (Head teacher) Mrs Julie Thomas (Social Services, Child & Family) Mrs Sue Bartle (SNAP Cymru) Mrs Sian Pascoe (Challenge Adviser) Mrs Karen Draper (Challenge Adviser)
<b>Parent Member</b>	Mrs Nicola Lockhart
<b>Local Authority</b>	Cllr Christine Richards (Deputy Leader) Vacant Post Mr Mark Sheridan (Senior Educational Psychologist)
<b>Staff Members</b>	Mr Simon Evans (EOTAS Lead) Mr Leigh Worth (EOTAS Lead) Mrs Sara Faye (EOTAS Lead)
<b>Clerk to the Committee (non-member)</b>	Mr Fraser Newbury (Principal Officer, SEN)

# APPENDIX C

## Roles and responsibilities of management committees

### Key Functions of Pupil Referral Units

Key to decision levels
<b>Level 1</b> = decisions made by local authority
<b>Level 2</b> = decisions made by local authority (where advice from the management committee is strongly recommended)
<b>Level 3</b> = decisions made by management committee only (e.g. function/task delegated to management committee)
<b>Level 4</b> = decisions made by management committee (where advice from the local authority is strongly recommended)
<b>Level 5</b> = decision made by the teacher in charge

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
<b>Budgets</b>	1	Local authorities to establish a budget and finance policy for their PRUs		✓				PRUs do not have a delegated budget, and it is for the LA to decide the budget for each of their PRUs. However, we recommend that local authorities should have a budget and finance policy for their PRUs and MCs' views should be sought in deciding budgets. MCs should be encouraged to undertake some of the associated tasks, e.g. to advise on any tendering exercises or discussions about contracts.
	2	To approve the budget plan each financial year	✓					
	3	To monitor monthly expenditure						
	4	To establish a charging and remissions policy		✓				
	5	Miscellaneous financial decisions (identified in policy)		✓				
	6	To enter into contracts (identified in policy)	✓					
	7	To make payments (identified in policy)	✓					
<b>Staffing</b>	1	Teacher in charge appointments		✓				Staff who work in PRUs are employed by LAs; and existing legislation provides for the LA to discharge all staffing functions, including pay matters. Some teachers/instructors are employed under similar terms as those in maintained schools – under teachers' pay and conditions – and others on similar terms to other LA staff.  MCs are expected to help in improving the effectiveness of PRUs. They should, therefore, be encouraged to be involved in deciding on staff structures and to assist in the appointment and other staffing matters of key posts in the PRU.
	2	Deputy TIC appointments		✓				
	3	Appoint other teachers		✓				
	4	Appoint non teaching staff		✓				
	5	Agree a pay policy		✓				
	6	Pay discretions		✓				
	7	Establishing staff disciplinary/ capability procedures		✓				
	8	Dismissal of teacher in charge		✓				
	9	Dismissal of other staff		✓				
	10	Suspending head		✓				
	11	Suspending staff (except head)		✓				
	12	Ending suspension (head)		✓				
	13	Ending suspension (except head)		✓				
	14	Determining staff complement		✓				
	15	Determining dismissal payments / early retirement	✓					
	16	To ensure that staff have successfully undergone criminal records checks.	✓					

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Curriculum	1	To establish a curriculum policy (broad and balanced, not necessarily national curriculum)		✓	✓		✓	The regulations provide for the LA, the MC and the TiC to work jointly in agreeing a curriculum policy for their PRU and to review the policy from time to time. It is recommended that they do so at least once a year.  The policy must therefore set out the procedures for the implementation and monitoring of the policy. The level(s) at which tasks 2 to 6 should be carried out are recommended.
	2	To implement curriculum policy					✓	
	3	To monitor curriculum policy			✓			
	4	Responsible for standards of teaching			✓		✓	
	5	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside the school day)			✓		✓	
	6	Responsibility for individual child's education			✓		✓	
	7	Provision of sex education – to establish and keep up to date a written policy		✓			✓	
	8	To prohibit political indoctrination and ensuring the balanced treatment of political issues		✓		✓	✓	
Performance Management	1	To formulate a performance management policy		✓				The LA is responsible for performance management of staff working in PRUs. However, the Welsh Government recommends that the views of MCs are sought in all tasks relating to performance management, and that the MC and the TiC are given responsibility to deliver the policy. Also, the LA must appoint school improvement partners to provide advice on improving standards at the PRU to the LA, the MC and the TiC.
	2	To establish a performance management policy		✓				
	3	To implement the performance management policy		✓				
	4	To review annually the performance management policy		✓				
	5	To deliver the performance management				✓	✓	
Target Setting	1	To set targets for individual pupil achievement (learning plan), including exit strategy.					✓	Each pupil should have a learning plan based on prior attainment and expected future attainment. The TiC and other staff should have primary responsibility for this task.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Discipline/ Exclusions	1	To establish a discipline policy			✓			The MC is responsible for establishing and reviewing discipline policies. The MC must agree measures to ensure the promotion and implementation of high standards of behaviour and discipline.  In relation to pupil exclusion, the MC will need to consider whether or not to confirm decisions to exclude pupils permanently or those that are excluded for fixed periods of more than 15 days in total in a term. Where a pupil would lose the opportunity to sit an examination while on exclusion, the MC (can be delegated to chair/vice-chair in urgent cases) must consider whether or not to lift the exclusion.
	2	To review the use of exclusion or would lose the opportunity to sit a public examination			✓			
	3	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in urgent cases)			✓			
Admissions		Admissions policy (and exit strategy)		✓				Although admissions of pupils is the responsibility of the LA, it would be sensible for the MC to be able to advise the LA on all admission issues, e.g. the maximum number of pupils to admit and the type(s) of needs to cater for, taking account of available resources (as set out in the budget plan).
Special Educational Needs	1	To have regard to guidance in the Code of Practice on SEN		✓			✓	The LA, MC and TiC must have regard to statutory guidance set out in the Code in meeting the needs of pupils who have SEN.
	2	To secure appropriate provision for pupils who have SEN		✓			✓	The LA must inform the TiC, relevant staff and the MC (or a member of the MC with responsibility for pupils with SEN) about the particular SEN of pupils attending their PRU with a view to meeting their needs effectively.
	3	To ensure that teachers identify and effectively provide for pupils who have SEN		✓			✓	
	4	To co-ordinate SEN provision with other schools.		✓			✓	Where it is desirable to co-ordinate the provision for pupils who have SEN, MCs should consult the LA and local schools (including special schools) to ensure that effective provision is available for all such pupils in the area.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
<b>Premises &amp; Insurance</b>	1	Buildings insurance and personal liability	✓					The LA, as owner of the premises, must ensure that suitable insurance is in place.  The Welsh Government suggests that the LA and the MC jointly develop a buildings strategy.
	2	Developing school buildings strategy or master plan and contributing as required to LA Asset Management Planning arrangements		✓				
	3	Procuring and maintaining buildings, including developing properly funded maintenance plan		✓				
<b>Health &amp; Safety</b>	1	To institute a health and safety policy		✓				
	2	To ensure that health and safety regulations are followed.			✓		✓	
<b>School Organisation</b>	1	Proposal to alter or discontinue a PRU		✓				It is good practice for management committees as well as staff and parents to be consulted when the LA proposes to close a PRU or to make significant changes to PRUs.  While it is for the LA to decide dates for terms and holidays, the Welsh Government suggests that the MC's views are sought. The LA must jointly decide with the MC the times of school sessions.
	2	To set the times of school sessions and the dates of school terms and holidays		✓	✓			
	3	To ensure that the school meets for agreed number of sessions in a year				✓		
<b>Management Committee Procedures</b>	1	To draw up instrument of government and any amendments thereafter	✓					
	2	To appoint (and remove) the chair and vice-chair			✓			
	3	To appoint and dismiss the clerk to the MC				✓		
	4	To ensure that at least three MC meetings are held in a school year			✓			
	5	To appoint and remove community or sponsor members				✓		
	6	To set up a Register of Members' Business Interests				✓		
	7	To consider whether or not to exercise delegation of functions to individuals or sub-committees			✓			
	8	To regulate the MC procedures (where not set out in law)			✓			
	9	Set up a complaints procedure	✓					It is good practice to have a complaints procedure which sets out how complaints about any aspect of the PRU can be registered. In the case of complaints about the curriculum the MC must establish a complaints procedure.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
<b>Provision of facilities and assistance</b>	1	To decide to offer additional activities and to what form these should take				✓		Regulations provide for MCs to provide additional services which meet the needs of the local community if they wish to do so. However, MCs will need the consent of their LA before considering doing so. Where such additional services are being provided, the MC must establish and publicise procedures to deal with complaints relating to these services.
	2	To put into place the additional services provided			✓			
	3	To ensure delivery of services provided			✓			
	4	To cease providing extended school provision			✓			
	5	To decide to provide advice to schools and local authorities				✓		The MC may provide advice or assistance to the governing bodies of local schools and to local authorities. This could be useful when working with pupils based in local schools, with a view to addressing particular issues, e.g. behaviour.
<b>Pupil wellbeing/ community</b>		To promote the wellbeing of pupils and community cohesion			✓			As part of their responsibility for the good management of PRUs, MCs have a duty to promote pupils' wellbeing and community cohesion. Like schools, PRUs are expected to play an active part in the development of local services, through engagement in children's trusts and by having regard to the local Children and Young People's Plan – for example when making decisions on childcare arrangements. <sup>3</sup>

# Agenda Item 9.a

## Report of the Cabinet Member for Finance and Strategy

Cabinet – 20 August 2015

### THE SWANSEA STORY

<b>Purpose:</b>	To agree a single story for Swansea that can be used by the council and its partners.
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	To establish a clear and single Swansea story that can be used for branding, engagement and promotional purposes.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that The Swansea Story is agreed.
<b>Report Author:</b>	Lee Wenham
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1. Introduction

- 1.1 The recent Peer Review highlighted the need to establish a “One Council” identity and culture, take credit for its services, delivery and successes and to publicise more of what we do.
- 1.2 This can be helped by having a clear story for the Council and ensuring there is clear and consistent branding in place across the Council. As a result, the Swansea Story has been developed by senior officers and Cabinet Members to give a simple and clear view of the city and what the Council is aiming to achieve.
- 1.3 Section 2 of this report sets out the Swansea Story.

#### 2. The Swansea Story

A City of Opportunity



Our city has always been a city of opportunity, aspiration and ambition. From wool manufacture in medieval times, Swansea became the global centre in copper production in the 18th and 19th centuries and is now a leader in life sciences, technology and engineering. Swansea has always offered a home to ideas, innovation and entrepreneurship. Today we're also famous for our literary and cultural heritage, our Premier League football, our world-class beaches and countryside and the warmth of our welcome. We are taking our creative strengths, building on them with our partners and working with our communities so we can present ourselves to the world as a proud, confident and ambitious city which stands for fairness, aspiration and opportunity.

### A City that Cares

The people of Swansea are our first priority. They make our city unique. We nurture our young, safeguard the vulnerable and lend support to the frail because it's the right thing and the moral thing to do. We are part of the Healthy Cities network promoting good health and addressing health inequality in our communities. Our city is hard-working, caring, cosmopolitan and ambitious. Our communities speak more than 100 languages and we're proud of our cultural diversity and community cohesion. We are proud to embrace those from around the world who today see our city as a beacon of hope and a haven from hate or persecution.

Together with our communities we are challenging poverty, promoting learning and supporting all our residents to make the most of their talents so they can live independent lives, happy, healthy and safe.

### A City of Innovation

We are a city of innovation and enterprise as much in social justice as in business. We were the world's capital of copper production, home to the first passenger railway and the first Area of Outstanding Natural Beauty in the UK and home to the inventions such as the fuel cell and tarmac. Swansea Council is the first in Britain to sign up to the United Nations Convention on the Rights of the Child and we are the first Welsh City of Sanctuary. This spirit of innovation, invention and fairness is at the heart of our vision for Swansea as a sustainable economic powerhouse for south west Wales. Working with our two universities, private sector, government and third sector partners, we will see Swansea driving economic prosperity in a city region famous for the adaptability of its workforce, its spectacular natural environment and the wealth of its ideas.

### A City to be proud of

'Swansea is the best place'. Dylan Thomas wrote it and we are proud to say it. We are proud because we're a city that works together and is renewing itself for the future. We're a city where children and their futures

matter, where older people are supported, where education counts and where tackling poverty and challenging health inequality means as much as creating a vibrant economy, sustainable communities and enjoying our fantastic natural environment. We stand for fairness, for aspiration and for opportunity. We are proud because we are Swansea.

**3. Equality and Engagement Implications**

3.1 There are no direct equality implications arising from this report.

**4. Financial Implications**

4.1 There are no financial implications associated with this report

**5. Legal Implications**

5.1 There are no legal implications associated with this report.

**Background Papers:** None.

## Report of the Cabinet Member for Finance and Strategy

Cabinet – 20 August 2015

### COUNCIL TAX - HELP FOR PENSIONERS

<b>Purpose:</b>	To agree a Council Tax Scheme to help Pensioners for 2015/2016.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	To comply with Financial Procedure Rules.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) The proposed scheme is adopted.  2) The proposals and qualifying criteria set out in paragraph 2 are agreed.
<b>Report Author:</b>	Rose McCreesh
<b>Finance Officer:</b>	Mike Hawes
<b>Legal Officer:</b>	Patrick Arran
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1. Background

1.1 The former Welsh Government Pensioner Grant Scheme provided financial support to pensioners receiving partial Council Tax Support, to help pay their Council Tax. Although specific grant funding for this scheme ended in 2013/14, the Welsh Government transferred £4m into RSG relating to the former Pensioners Grant Scheme, of which £294k was allocated to this authority. City and County of Swansea, using this funding, continued to support pensioners during 2014/15. This report is recommending that funds of £294k should be used to enable continuation of a Council Tax scheme to help pensioners for 2015/16, for eligible pensioner households.

#### 2. The Proposed Scheme

2.1 It is proposed to adopt the same scheme criteria as used in previous years, where the allocated funding is distributed equally to pensioner households (i.e. pensioners aged 60+) who qualify for partial, but not full, Council Tax

Reduction. As the cases can be accurately identified from our records, those who qualify would not need to make an application for the payment.

- 2.2 It is estimated that there are approximately 2940 cases, which would be awarded approximately £113.00, where the amount of Council Tax payable is £113.00 or more. In cases where the amount of Council Tax due is less than this amount the payment would be capped at the amount of Council Tax due, subject to a minimum payment of £ 5.00.
- 2.3 The amount of net liability would be fixed at 1 September 2015, which would mean that there would be no recalculation required for subsequent changes of circumstances, keeping the administrative costs to a minimum.
- 2.4 The payment would be credited to the relevant Council Tax account, and a revised bill and explanatory letter would be sent to the Council Tax payer.
- 2.5 The proposed use of the grant is consistent with the Council's objectives in tackling poverty.

### **3. Financial Implications.**

- 3.1 There are no financial implications other than those shown above.

### **4. Legal Implications**

- 4.1 There are no legal implications.

### **5. Equality and Engagement Implications**

- 5.1 The proposed scheme has been screened and does not require an Equality Impact Assessment.
- 5.2 It should be noted that in terms of equality impact there are no changes to the qualifying criteria for the proposed 2015/16 scheme compared to the scheme for 2014/2015. The scheme is intended to provide financial support to those pensioner households who are not in receipt of full Council Tax Reduction but still qualify for partial reduction and therefore by definition are pensioner households which have lower disposable incomes in Swansea.

### **Background Papers:**

None.

## Report of the Cabinet Member for Services for Children and Young People

Cabinet – 20 August 2015

### WESTERN BAY HEALTH AND SOCIAL CARE PROGRAMME

#### REGIONAL ADOPTION SERVICE

<b>Purpose:</b>	To provide Cabinet with an opportunity to approve the attached Adoption Financial Support Policy developed in line with the establishment of the Western Bay Adoption Service
<b>Policy Framework:</b>	Sustainable Social Services for Wales: A Framework for Action.
<b>Reason for Decision:</b>	To implement a standardised policy and rate across the Western Bay region from 1st July 2015 resulting in harmonisation of working practices and equality of approach to allowances paid to adopters.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Agree the attached Financial Support Policy and the plans for the implementation of a standardised process to assess and review Adoption Allowances which will ensure compliance with the provisions of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and Section 17 of the Children Act 1989.  2) Adopt this policy which will be a consistent one to serve the three Local Authorities across the Western Bay collaborative.  The recommendations above are made in order to assure Cabinet that the Council's statutory functions in relation to providing financial support to adopters are fully met, in accordance with legislation and guidance.
<b>Report Author:</b>	Val Jones
<b>Finance Officer:</b>	Chris Davies
<b>Legal Officer:</b>	Lucy Moore
<b>Access to Services Officer:</b>	Sherill Hopkins/Euros Owen

## **1.0 Introduction**

- 1.1 The provision of Financial Support to Adopters is part of the wider remit of the Local Authority's responsibilities for supporting adopted children and families. It is guided by the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 (made under the Adoption and Children Act 2002).
- 1.2 The attached report outlines the proposals for a Financial Support policy that will be consistent across the region but will allow for each local authority adoption agency to retain accountability and control of their own budget. It should be noted, however, that any proposals agreed are likely to be influenced by developments across Wales through the work that is due to be undertaken by the National Adoption Service on Adoption Allowances and may result in a further report to Cabinet to take account of any national changes.

## **2.0 Current Situation / Proposal**

- 2.1 A review of the Financial Support Adoption Allowance Policy for each authority has been completed. Currently adoption allowances in Swansea are approved and based on individual needs as assessed by the social worker, with no independent financial means test undertaken. This approach can be seen as inconsistent in the way it is applied and could be at risk of challenge. The new approach will clarify the process in relation to the means test and discretionary payments, will remove any inconsistencies as to how individuals are assessed and minimise the risk of any future challenges.
- 2.2 This proposal is consistent with messages learned from an Internal Audit of the policy in Bridgend which complies with the Regulations mentioned above. This model is already in operation in Bridgend and Neath Port Talbot have very recently agreed the new approach through their Cabinet process. It includes a means tested assessment using Department of Health guidelines in terms of family expenses and a common Western Bay basic rate based on the Welsh Government Guidelines on Fostering Allowances as a maximum allowance payable. The findings of the audit conducted in Bridgend concluded that those allowances approved under the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 were not fully compliant with the regulations. In order to ensure compliance and consistency of approach, assessments and reviews of allowances should include a means tested financial assessment and reviews should be undertaken annually.
- 2.3 It is proposed that the Western Bay Adoption Service will conduct the assessments for Financial Support in terms of eligibility as per the regulations and the amount paid to be calculated by a Finance Officer via the means tested assessment process called a Financial Assessment.

Following this a recommendation will be made and submitted to the relevant local authority Agency Decision Maker (ADM) for approval.

2.4 In the short term, a Finance Officer for their respective authorities will undertake this work. There are concerns however that this arrangement may not be the most appropriate model. The preferred arrangement would be for the financial assessment to be carried out in one place for the following reasons

- To ensure consistency in applying the formula
- To provide one point of contact for Western Bay staff and adopters in respect of the financial assessment. This will simplify the administration process and speed up payment
- The Finance Officer would become the expert in this method and as a consequence gain experience and knowledge in areas such as Welfare Rights, when completing these assessments. This has been the experience of Bridgend staff who currently adopt this method.

2.5 The workload for the new referrals is not expected to be high as each authority is reporting low numbers of families requiring financial support in terms of allowances; however existing allowances need to be reviewed.

2.6 There are a number of existing allowances granted post 2005, which have in place an undertaking by the local authority to make payments for a fixed period of time or until the child is 18 years of age. To ensure that there will be no financial detriment to these existing adopters, it is not the intention to alter historical cases unless financial circumstances of the adopters significantly change. It is proposed that they be treated as 'exceptional circumstances'. Therefore, the afore mentioned arrangements would be monitored and 'reviewed' not via a means tested mechanism but via the annual self-reporting process currently in place for those allowances. This entails each recipient being contacted annually and for them to provide a statement of their circumstances which indicates (or not) that they still require the pre-existing agreed long term (exceptional circumstances) discretionary allowance.

2.7 The Adoption allowance rate will be the common Western Bay basic rate. As per the Welsh Government Guidelines as follows:

**Suggested Adoption Allowance Rate**

<b>Age</b>	<b>0 - 4</b>	<b>5 - 10</b>	<b>11 - 15</b>	<b>16 - 17</b>
<b>WG 15/16</b>	£ 159.00	£ 145.00	£ 145.00	£ 182.00

2.8 Currently the Adoption Allowance rate paid by each local authority differs and is based on the amount paid for Fostering Allowances. If each authority were to apply their own rate for the calculation there is a risk that some families will be paid less than their peers living in another part

of the region. It is recommended that Western Bay harmonise the rates and use the Welsh Government guidelines for the base rate.

- 2.9 The Financial Support Policy clarifies the use of 'discretionary payments'. Whilst there may need to be a provision of such payments to adoptive families, the primary legislation for such payments may not be the Adoption Agencies (Wales) Regulations 2005 and where this is the case, they could alternatively be considered under the provisions of the 'child in need' Section 17 of the Children Act 1989. With any new exceptional circumstances requests, the process at 3.2 will be followed whereby the Western Bay Adoption Service staff undertake the eligibility assessment followed by the independent financial means test to calculate the amount applicable. The recommendation from this assessment and any proposal for an exceptional circumstances payment, over and above the outcome of the means tested financial assessment will require approval by the ADM. The annual review would also follow this process.
- 2.10 In order to enable the enactment of the policy, a range of tools and procedures are being developed for the Western Bay Adoption service. All new allowances will use the new procedures as set out within the attached policy. The volume and process of this activity needs to be monitored and relevant changes made to procedures where necessary. This includes the introduction of a single point of contact in one of the authorities, for the calculation of the Financial Assessment as described in 2.3.

### **3.0 Equality and Engagement Implications**

An initial EIA screening has been undertaken and has concluded that a full EIA report is not required for the following reasons:

- The impact on the protected groups is low
- The impact is likely to ensure greater equity of approach to all adopters.
- The aim of the regional policy is to provide a consistent approach to the arrangements and level of payments and the legislation will continue to apply. However, the new arrangements will only apply to new adopters to ensure that there will be no financial detriment to existing adopters unless there is significant change in circumstances - an annual review process will be undertaken with the current payments continuing as 'exceptional circumstances'. Current adopters can request a new assessment under the new arrangements with the possible risk of the assessed allowance increasing or decreasing.
- The implementation of the proposed documentation and review process will have no adverse impact on those who are deemed eligible under the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 (made under the Adoption and Children



Act 2002) or those eligible for exceptional circumstances payments under the 'Children in Need' Provisions of Section 17 of the Children Act 1989.

Therefore, some flexibility will remain in the new arrangements in order to respond to assessed individual needs covered by use of 'discretionary payments' under Children in Need and decided by the responsible Head of Service.

- The financial support policy is governed by national legislation with equality considerations at its core
- Monitoring the new arrangements for any unintended impact.

#### **4.0 Financial Implications**

- 4.1 It is anticipated that the new process will not immediately create a reduction in the budget due to the number of existing allowances being paid and the likelihood of these payments continuing. A comparison of the current average fostering allowances paid with those proposed suggests that the move to regional allowances should not be a financial burden to the City and County of Swansea. The spend within 2014/15 was £388k, an average allowance per child of £8,255. For 15/16 the budget is set for £400k.
- 4.2 **Swansea** are currently paying allowances in respect of 47 children and in 2014/15 an average allowance of £158.75 per week was paid. Under the regional arrangements, the weighted average allowance is expected to be £153.47 per week. Further assurance has been gained from the recalculation of a number of allowances which demonstrated a small decrease in the amounts paid.
- 4.3 The greatest financial risk relates to the criteria for the award of an allowance. Should a greater proportion of adoptions attract an allowance than has historically been the case, a consequential financial impact would occur. Finance have not been made aware of any change in criteria for the award of an adoption allowance but the proportion of children in receipt of an allowance will need to be monitored to ensure the on-going affordability of this arrangement.
- 4.4 **Neath Port Talbot:** The actual amount paid out in 14/15 is anticipated to be £433k in relation to 53 children giving an annual average payment per child to be £8,170. The Council's budget for 2015/16 for Adoption Allowances is £451k (53 children).
- 4.5 **Bridgend:** The total amount spent on adoption allowances in 14/15 was £132k. This was in respect of 39 children giving an average allowance per child at £3,390. For 15/16 the total budget for allowances is £128k.

## **5.0 Legal Implications**

- 5.1 The proposed arrangements, as set out in this paper, will ensure that the statutory responsibilities of each local authority continue to be met and comply with legislation as follows;
- 5.2 The current statutory responsibilities are set out in section 4 of the Adoption and Children Act 2002, and Adoption Support Services (Local Authorities) (Wales) Regulations 2005 (made under the Adoption and Children Act 2002).
- 5.3 These state that a local authority must carry out an assessment of that person's needs for adoption support services if so requested by a regulated person;
- 5.4 Once a person has had their needs for adoption support services assessed and the local authority has informed that person of their decision, the local authority will prepare a plan of the adoption support services to be provided, except where the services are to be provided once only, e.g. information giving. The plan should be set out in a way that everybody affected can understand.
- 5.5 The local authority, having decided a person has needs for adoption support services following the assessment and considering any representations, must come to a decision whether or not to provide such services and whether or not to impose conditions on those services.
- 5.6 Local authorities must consider, assess and pay financial support to adoptive families in accordance with the Regulations. The Regulations are intended to give agencies greater flexibility to respond to the individual needs of children and their circumstances.
- 5.7 The local authority must review any financial support annually on receipt of the adoptive parents statement of financial or on notification of any changes in circumstances, Financial needs or resources of the child.
- 5.8 If the local authority becomes aware of a change in the circumstances of a person receiving adoption support services it must review the adoption support services plan. If a decision is made to revise the adoption support services plan, notice must be given in writing to allow representations to be made by the person. Following the receipt of representations and once the plan has been agreed the local authority must inform the recipient of the services.
- 5.9 Any assessment, plan or adoption support services in preparation, in place or provided before these regulations came into force are to be treated as if undertaken under these regulations.

**Background Papers:** Adoption Support Services (Local Authorities) (Wales) Regulations 2005 (made under the Adoption and Children Act 2002).

**Appendices:** Appendix A – Western Bay Adoption Service Draft Financial Policy

**Western Bay Adoption Service**  
**On behalf of City and County of Swansea, Bridgend County**  
**Borough Council and Neath Port Talbot County Borough**  
**Council**  
**Adoption Financial Support Policy**

Draft V.7

## **1. Introduction**

- 1.1 The Adoption Support Services (Local Authorities) (Wales) Regulations 2005 continue the principle from the Adoption Allowance Regulations 1999, that financial circumstances should not prevent the adoption of a child, where it is in the child's best interest.

## **2. Situations when financial support can be considered**

- 2.1 Financial Support may be payable to prospective adoptive parents at any time following the match or placement of a child with the prospective adoptive parents, or at any time after the making of an Adoption Order. There are 5 criteria for financial support. Different types of payments may be made under each criterion:

### **2.2 To ensure the adoptive parents can look after the child**

Where the child has not been placed with the prospective adoptive parent for adoption and financial support would be necessary to ensure that the prospective adoptive parent can look after the child if so placed;

Where the child has been placed with the prospective adoptive parent for adoption, and financial support is necessary to ensure that the prospective adoptive parent can continue to look after the child;

Where the child has been adopted (adoption order has been granted), and due to changes in circumstances financial support is necessary to ensure that the adoptive parent can continue to look after the child;

### **2.3 Established relationship**

Where the local authority is satisfied that the child has established a strong and important relationship with the prospective adoptive parent before the adoption order is made e.g. foster carers applying to adopt the child in their care and the adoption of the child does not impose financial strain on the family.

### **2.4 Siblings and other children with existing close ties**

Where it is desirable that the child be placed with the same adoptive parent as a brother or sister (whether full or half sibling), or with a child

with whom the child has previously shared a home and the adoption of the child does not impose financial strain on the family.

## **2.5 Special needs**

Where the child needs special care which requires a greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;

## **2.6 Facilitating placement**

Where it is necessary for the authority to make special arrangements to facilitate the placement. This applies where at the time of the 'should be placed' decision it is considered a placement will be difficult to achieve due to age, gender or ethnic origin. Financial support may be offered in principle linked to the child, prior to placement finding. Allowances will be subject to assessment of income once adopters are identified.

# **3. Assessing the amount of support payable**

3.1 In determining the amount of financial support payable in a particular case, the Local Authority must take into account:-

- a Any recommendations made by the Adoption Panel. This is in relation to any child where a recommendation that the child should be placed for adoption prior to the implementation of the Adoption Agencies (Wales) (Amendment) Regulations 2012.
- b The financial resources of the adopters, including Child Tax Credit and other benefits.
- c The amount required by the adopters to meet their reasonable outgoings and commitments;
- d The financial needs and resources of the child;
- e The expenditure incurred by the adopters relating to introductions and initial costs incurred;
- f Legal costs related to the adoption, specifically court fees when applying for the Adoption Order and the case is contested;
- g Any equipment, boarding school costs or other costs arising from the child's special needs, such as illness or disability;
- h The costs of damage, wear and tear in the home resulting from the child's behavioural difficulties;

- i The costs of ongoing contact visits between the child and members of their birth family;
  - j The costs of respite care.
- 3.2 An initial financial assessment will be undertaken in the context of an assessment of adoption support needs. Assessment takes place initially in relation to the child as part of the process of completing the CAR-B formally the CARA. The assessment is then completed in the context of linking and matching the child with adopters. The assessment of the need for financial support including allowances will be completed by the Western Bay Adoption Service social worker in consultation with the child's social worker. Eligibility for financial support must be agreed by the Western Bay Adoption Support Manager.
- 3.3 A financial assessment for adopters applying at a later stage can only take place through a social work assessment of adoption support needs including risk of disruption if this is an issue. If the child appears to be a child in need, this assessment may be undertaken by the appropriate Local Authority Intake team with input from the Western Bay Adoption Service and Finance Section as required to address the adopters' support needs as adopters and the financial assessment. If the child does not otherwise appear to be a child in need this assessment may be undertaken by the Adoption Service.

#### **4. Types of Financial support**

- 4.1 Financial support will usually be paid as a single payment or via weekly/fortnightly payments, except for:-
- a Ongoing costs arising from a child's special needs;
  - b Ongoing costs of contact visits;
  - c Ongoing planned respite care;
  - d Some payments to foster carers adopting a child who has previously been fostered with them. Any such payments will be informed by and in-line with any existing or revised policies and procedures governing the local authority foster placements.

#### **4.2 Basic adoption allowance**

An assessment must be considered whenever the agency makes a 'should be placed' decision for a child. Allowances will usually be paid from the start of the adoptive placement.

- 4.3 A financial assessment can be undertaken on request in relation to children who have been adopted in the past, regardless of whether this was a child

placed by either Neath Port Talbot, Swansea or Bridgend, if there is an assessed risk of adoption breakdown in the absence of an allowance. There must be a social work assessment of adoption support needs to establish this risk prior to the financial assessment.

#### **4.4. Transitional allowance**

This is available to existing foster carers who wish to adopt children placed with them, where this adoption is supported by the Local Authority and where the loss of fostering payments presents a significant obstacle to the adoption. This allowance includes the remuneration fee paid to Foster Carers and will be added to the maximum allowance payable for foster carers in these circumstances.

4.5 Adoption payments can be paid to foster carers adopting children living with them:

- a From the time the placement becomes an adoptive placement;
- b Up to two years following an Adoption Order;
- c From two years following an Adoption Order, if necessary to:
  - i) Ensure adopters can continue to look after the child;
  - ii) Facilitate placement of a sibling of a child already adopted by the foster carer/s.
  - iii) To meet the child's ongoing special needs.

#### **4.6. Lump sum payments or agreed additional expenditure**

This will be based on a full assessment of adoption support needs taking into account the advice of the Medical Adviser, the core assessment and any other assessments required to evidence the conditions and the care needs and costs which arise. If this criterion applies, the needs will be set out in the Adoption Support Plan and must be supported by the Western Bay Adoption Support Manager and the Adoption Panel. Any additional allowance under this criterion is discretionary. This could include finance for special equipment for a child with additional needs or particular costs arising from placing a sibling group.

4.7. Financial support of this nature may be either lump sums or additional payments alongside an existing allowance that are anticipated to be for a short period of time. Exceptionally, regular payments may be made to cover additional expenditure under this criterion for adopters who do not qualify for basic adoption allowance. Any regular payments under this criterion must be

reviewed at least annually as part of a social work review of the adoption support needs and plan.

- 4.8 Full use must be made of both universal and targeted adoption support services and other services which may be available to address the condition(s). Allowances must only be paid for necessary costs to meet needs which cannot be met through available services.
- 4.9 Single lump sum payments to meet a specified need may not have to be subject to a financial assessment if they are small scale and this is agreed by the Western Bay Adoption Support Manager. Payments will be made on a Child In Need Basis and will be subject to an assessment of that need. Receipts will be required. These requests will need to be approved by the Agency Decision Maker for the child's Local Authority. These payments are made under Section 17 of the Children Act 1989. Payment processes for these payments will need to adhere to the respective Local Authority processes.

## **5. Financial Assessments**

- 5.1 The 2005 Regulations extend the financial support available to adoptive parents, but continue the requirement to carry out financial assessments, taking account of all benefits and tax credits available to the adopter(s), especially when regular payments are being considered.
- 5.2 The financial assessment will be completed with the help of the Finance Assessment Section, including any additional expenditure amounts, allowances or lump sums recommended by the social worker and Western Bay Adoption Support Manager. All allowances will be approved by the Head of Service for the respective Local Authority.
- 5.4 If regular financial support is being considered, the adoptive parent/s will be required to give details, with supporting evidence, of their income and housing costs, in order that a full financial assessment can be carried out. Additional financial information can be provided for inclusion in the Financial Assessment, for example where it is considered that a family's commitment to the adopted child could be jeopardised to the disadvantage of other children in the household, if it was not included in the Financial Assessment.
- 5.5 The Financial Assessment measures the applicant/s' weekly income and expenditure against the equivalent amount of Income Support that the applicant/s would be entitled to, plus a 25% enhancement to ensure there is provision for reasonable outgoings and commitments. The maximum allowance payable is equivalent to the Welsh Government National Minimum



Allowances rate, less child benefit and tax credits, although the assessment may determine a weekly payment less than this.

- 5.6 Adoptive families will be required to claim all benefits and tax credits due to them, e.g. Disability Living Allowance, Child Benefit and Child Tax Credits.

## **6 Payment conditions**

- 6.1 Formal agreement by the Adopter(s) will be needed prior to adoption allowance payments commencing. They will need to return their acceptance letter along with their bank details.
- 6.2 Adoption allowance payments will be payable from the date of a new adoptive placement or a date determined by the Western Bay Adoption Support Manager.
- 6.3 Adoption allowance payments will be paid fortnightly, directly into a bank account specified by the adopters.
- 6.4 Adoption Allowance payments will be reviewed annually on the anniversary of the agreement or earlier depending on the arrangement. Any payments being made for older children will only be paid until their eighteenth birthday unless an earlier cease date has been stipulated.
- 6.6 If an overpayment has been made recovery procedures will be instigated.
- 6.7 Adoption payments may be suspended, if the adoptive parent(s) fail to supply documentation needed in relation to their financial circumstances as required under the scheme, for the purposes of an annual review. One letter will be sent advising of an impending review and one reminder letter sent which will indicate the date any allowances are to be suspended. If after a period of 12 weeks there has been no response the allowances will be ceased.

## **7 Calculation of family requirements**

### **7.1 Personal Allowances**

A Personal Allowance equivalent to the current Income Support rate, will be allowed for the family, excluding the child/children for whom the financial support is to be paid.

### **7.2 Premiums**

The following Income Support Premiums will be used in the assessment for non-pensioners:-

- a) Family Premium when there is a child in the family.
- b) Family Premium (Lone Parent) for a single parent family.

- c) Disabled Child Premium where a dependent child in the family receives Disability Living Allowance (care or mobility component, middle or higher rate).
- d) Severe Disability Premium where an adult family member receives Attendance Allowance or Disability Living Allowance at the middle or higher rate or Personal Independence Payment.
- e) Carer Premium if a family member is entitled to Invalid Care Allowance.
- f) Pension Credit figures will be used when the applicant is a pensioner.

7.3 The Personal Allowance and premiums will be increased by 25% for the purpose of calculating adoption financial support.

#### 7.4 Housing Costs

The following will be taken into consideration:-

- a The amount of mortgage payment being paid at the date of the Financial Assessment will be allowed. If a family moves or applies for an increased mortgage at a future date, a re-assessment that results in increased financial support due to this could be approved if the move was to a home more appropriate to the needs of the child.
- b Rent or Council Tax that is not covered by Housing Benefit or Council Tax Benefit.

#### 7.5 Other expenses

- a Consideration will be given to making an allowance for expenses such as child care costs directly related to the adopted child. This will be linked directly to the assessment of need undertaken as part of the provision of adoption support.
- b Where the applicant has more than one car loan an allowance can be made for the second loan where this is needed for the care and transporting of the child.
- c Allowances cannot usually be made for any other loans or debts unless they have been agreed as essential to meet the needs of the child.
- d An allowance can be made for formal maintenance payments for children outside the adoptive family where the parent is legally required to make these payments

This is not an exhaustive list and consideration will be given to making other allowances in exceptional circumstances.

## **8 Calculation of income**

- 8.1 Most income will be taken into account in full including the following
- a Net earnings plus bonuses
  - b Occupational Pensions;
  - c All State Benefits and Tax Credits, [except those shown in 7.2 (below) which are disregarded];
  - d Annuity income/investment received;
  - e Trust income;
  - f Rent from boarders or non-dependent relatives living in the home.
- 8.2 The following income will be disregarded in this section of the assessment, but will have been considered when examining the family's requirements:-
- a Attendance Allowance/Disability Living Allowance, (care component and mobility), Personal Independence Payment.
  - b Invalid Care Allowance;
  - c Housing Benefit;
  - d Income Support in respect of specified expenses to maintain the home;
- 8.3 Capital resources will not be taken into account for the Financial Assessment. However, interest earned from capital resources will be included in the income.

## **9 Financial Support payable**

- 9.1 Having established the family's requirements and income, the income will be deducted from the requirements. If there is a surplus, no financial support will be payable. If there is a shortfall then this is the amount that will be paid unless it exceeds the Western Bay Adoption Allowance rate (the Adoption Allowance Rate will be the same as the Welsh Government recommended Basic rate Fostering Allowance minus Child Benefit, which can be claimed separately).
- 9.2 Award letters will be sent to Adopters by the Western Bay Adoption Support Manager and copies to the Finance section. This letter will show how the Financial Support has been calculated, the amount to be paid, the date on which the first or, where applicable, the only payment, will be made and the frequency of payments, if relevant. Any conditions attached to the Financial Support, the arrangements and procedures for review, variation and

termination of the Financial Support will also be provided, as well as the Complaints Procedure.

- 9.3 This letter will include the following statement as required to be provided under Regulation 13:

*"This payment(s) is made in accordance with regulations made pursuant to paragraph 3 of Schedule 4 to the Adoption and Children Act 2002. Under the provisions of the Finance Act 2003, the payment is to be exempt from tax. In addition, the payment will be disregarded if you currently receive, or apply to receive Child Tax Credit or Working Tax Credit. You should keep this letter carefully in case you need to provide it to support any tax return or application for a tax credit."*

- 9.4 The adopters will be required to confirm agreement before an allowance can be paid. If dissatisfied with the calculation, the adopter(s) have the right to request a review. This request should be made in the first instance to the Team Manager of the Western Bay Adoption Service. The representation will be considered and the course of action notified to the adopter(s) within 14 working days. The adoptive parent(s) can, if dissatisfied with the outcome of their representation to the Adoption Manager, make a formal complaint through the Western Bay Adoption Service's complaints procedure. (This will comply with the City and County of Swansea complaints procedure as the host authority for Western Bay Adoption Service.) Complaints will be addressed by the Regional Manager who will also liaise with the Agency Decision maker of the relevant Local Authority.
- 9.5 Any approval for initial allowance calculations should be sought in good time for the allowance agreed to be presented to the Panel considering the match or for prompt payment on the placement of the child. Assessments should be completed within six weeks.

## **10 Reviews**

- 9.1 An annual review of all basic and transitional allowances will be carried out. In some cases this will be purely a financial review. If there are additional expenditure or exceptional allowances included this must trigger a social work review of the adoption support plan. This will normally be carried out by the Western Bay Adoption Service.
- 9.2 Western Bay Adoption Service should copy all financial review letters to the Finance Section to ensure such reviews are triggered where appropriate. The Western Bay Adoption Service should keep Finance Section informed of any known changes in address of adopters in receipt of allowance (so should adopters, but this will provide a back-up). If there is an adoption support plan

in place the financial review should in any case coincide with the annual review of that plan.

- 9.3 The annual financial review will be carried out through a standard letter and form to adopters requesting updated information and confirmation of circumstances to enable a revised assessment for payment to be completed. This should normally be sent a month before the anniversary of the allowance, unless a different date is specified in a particular case.
- 9.4 If there has been no response then a reminder letter will be sent after the address and other details have been checked. If there has been no response within two months of the original review letter and one month of the reminder, the allowance should be terminated.
- 9.5 The standard letters should advise of the risk of termination on no response, and also advise of the right to a re-assessment of adoption support needs through the Western Bay Adoption Service.
- 9.6 Letters should be sent following the financial review advising of any revised rates of allowance.
- 9.7 In some cases the financial support will be agreed for a time limited period and if this is less than a year then the review may not be necessary. In those cases where there is an indication that the support may need to be extended the review should take place a month before it is due to cease to allow time for it to be approved.

## **10. Cross-boundary placements**

- 10.1 The placing local authority has complete financial responsibility for three years following the adoptive placement. This includes any services the placing authority has agreed to fund. It also includes any allowances that were decided during this period either before or after the order was made.
- 10.2 The placing authority remains responsible for allowances agreed before the order (Reg 9(5)) until such time as allowances are terminated under Regulation 14, however long this is.
- 10.3 The receiving authority can charge the placing authority for services it has agreed to provide for the period given. The receiving authority is responsible for assessing and funding adoption support including allowances in response to new requests made after the three year threshold i.e. if adopters stop receiving allowances from the placing authority at some stage, or never received allowances, the receiving area is responsible for assessing and if necessary paying allowances applied for after the three year period.

- 10.4 Where an adoptive family moves areas the authority currently responsible for adoption support must liaise with the new receiving area to put in transition arrangements as required. The old receiving authority may continue providing adoption support services for up to six months after the family leave the area. This allows time for a new assessment and arrangements to be made by the new receiving authority.
- 10.5 The placing authority's responsibilities continue to apply regardless of moves.
- 10.6 The guidance document contains more detail on cross-boundary responsibilities and should be consulted in cases where there is doubt. Legal advice may be sought if responsibility is still not clear.

## **11. Inter-country adopters**

- 11.1 Inter-country adopters may apply for an assessment of adoption support needs at any time after notification of intention to adopt. They will usually have to provide evidence to the state of origin of their ability to financially support the child at the point of placement. Inter-country adopters may apply for a financial assessment at a later stage if circumstances change. There is no automatic entitlement to adoption allowance from the local authority - this depends initially on an assessment of risk of disruption. Any assessment for financial support will include a means tested financial assessment.

## **12. Relative adopters**

- 12.1 Relative adopters may apply for an assessment of adoption support needs including financial support at any time after notification of intention to adopt. There is no automatic entitlement to adoption allowance from the local authority - this depends initially on an assessment of risk of disruption. Any assessment for financial support will include a means tested financial assessment.
- 12.2 Any adoption allowance paid to relatives will be reduced by the amount of any tax credit and child benefit received in respect of the child.

## **13. Appeals**

- 13.1 Adopters are permitted to make representation if they do not agree with the Agency's decision not to provide financial support. Adopters are required to make written representation to the Agency Decision Maker within 28 days of the notification that they will not be receiving financial support. The Agency Decision Maker will re-examine the decision and feed back via the Adoption

Support Manager. Any complaints about process will be dealt with in line with the complaints process of the City and County of Swansea procedures with the initial complaint being dealt with by the Support Manager within the Service.

## **14. Termination of Allowances**

14.1 The allowance is terminated if;

- the child ceases to live with the adopters
- the child has ceased full time education and commences employment
- the child has qualified for income support/unemployment benefit in their own right.
- the child has attained the age of 18 years
- the child dies

14.2 If possible adoptive parent(s) should inform the Western Bay Adoption Support Manager in writing, at least 28 days before the child no longer becomes eligible for financial support. Overpayments made resulting from a failure to notify a change in circumstances will be recovered.

14.3 Terminations must be agreed by the Western Bay Adoption Support Manager

## **15. Legal Costs**

15.1 Where the Local Authority supports an application to adopt a child in their care they will consider financial support to meet the legal costs where the application is being contested. This excludes the court application fee.

15.2 Agreement to meet the cost of legal fees is conditional upon the applicants instructing a solicitor who is a member of the Law Society's Children's Panel and who agrees to charge at Legal Aid Agency rates.

15.3 Invoices for legal costs will be scrutinized by the Local Authority's Legal Service prior to payment. An uplift to the legal aid rates on the grounds of complexity will not be granted unless approved by the Child Care Legal Service and must be requested in advance of billing.

15.4 Where the application to adopt is unopposed there are unlikely to be any legal costs other than court fees. The Authority will consider assistance in these cases if it is agreed there is a need for the applicants to seek legal advice.

15.5 Where the Authority does not support an application to adopt a child in their care they will not meet any legal costs of the applicants. Assistance may be obtained from the Legal Aid Agency.

## **16. Charges**

The Authority will not normally charge for assessing the suitability of applicants to adopt other than when undertaking assessments for Inter Country Adoption. Where such assessments are undertaken on behalf of Western Bay by another agency or individual the costs of the assessment will be charged to the applicant. Western Bay Adoption Service reserves the right to charge a fee to applicants where itself undertakes assessments for Inter Country Adoption. Applicants will be advised of the level of fees prior to commencement of the assessment.

## **17. Review**

This policy must be reviewed on an annual basis. It will also be reviewed in the light of any recommendation for an all Wales policy on financial support for adoption following the establishment of the National Adoption Service.

Annamarie Fawsitt  
Western Bay Adoption Support Manager  
March 2015

Date of Implementation: 1<sup>st</sup> July 2015

Date for Review:



## Report of the Cabinet Member for Services to Adults and Vulnerable People

Cabinet – 20 August 2015

### RESPONSE TO THE REPORT OF THE SOCIAL CARE AT HOME SCRUTINY INQUIRY PANEL

<b>Purpose:</b>	To outline a response to the Scrutiny Recommendation and to present an action plan for agreement.
<b>Policy Framework:</b>	Council Constitution
<b>Reason for Decision:</b>	To consider the Cabinet Member's response to the Scrutiny Inquiry Panel's recommendations.
<b>Consultation:</b>	Legal, Finance and Access to Services
<b>Recommendation:</b>	It is recommended that the response to the recommendations as outlined in the report and related action plan attached at Appendix B be agreed.
<b>Report Author:</b>	D Howes
<b>Finance Officer:</b>	C Davies
<b>Legal Officer:</b>	L Moore
<b>Access to Services Officer:</b>	C Window

#### 1.0 Introduction

- 1.1 The Report of the Social Care at Home Scrutiny Inquiry was submitted to Cabinet on the 20<sup>th</sup> January 2015 after the Social Care at Home Inquiry Panel completed a detailed inquiry into improving Social Care at Home. A copy of the Cabinet report dated 20<sup>th</sup> January 2015 is attached at Appendix A.
- 1.2 Having considered the contents of the scrutiny report, and specific recommendations made, advice to Cabinet on whether it should agree, or not agree, with each recommendation is detailed in this report.
- 1.3 Cabinet is also asked to consider, for each of the responses, any relevant policy commitments and any other relevant activity.

## 2.0 Response to Scrutiny Recommendations

<b>Recommendation 1</b>
Expands and enhances the reablement service
<b>Relevant Policy Commitments:</b>
<b>Action already being undertaken:</b>  <p>An outcome of the Intermediate Care Fund was to give us additional staff in health and social care to expand and enhance the reablement service.</p> <p>Implementation has resulted in additional people receiving reablement and an increased number of beds in Bonymaen residential home with dedicated support from nurses, therapists and social workers. Reablement training has been provided for both the statutory and private sector.</p> <p>Electronic Call Monitoring (ECM) and a new management structure coupled with therapy led Reablement programmes in the Integrated Care Teams will improve outcomes for people and increase our ability to respond in a more timely way.</p> <p>Rota planning will be undertaken by dedicated 'Planners' which will free up the Senior Community Care Assistants to work with more service users thereby reducing waiting times. ECM will identify where support can be reduced as individuals are reabled and can do more for themselves. ECM records will also evidence that reablement is being achieved as call durations reduce as independence is regained.</p>
<b>New actions following from the recommendation:</b>  <p>Evaluate the need for an out of hours reablement service and redevelop commissioning approaches and training programmes to improve access and ensure that skills are developed across both the statutory and private sectors.</p> <p>Review the functions and roles of the current reablement service as part of the commissioning review of domiciliary care to address the needs of those people who require discharge to their own homes from hospital, in a timely fashion, thus freeing up beds for other patients.</p> <p>We will consult with all key stakeholders on any existing and proposed new approach as part of the commissioning review for domiciliary care.</p>

**Cabinet Member Comments:**

There is a need to have access to this service out of hours and for all domiciliary agencies to provide reablement and promote resilience and independence.

Recommendation is **AGREED**

**Recommendation 2**

Moves the social care at home service from “time and task” to an outcome based system.

**Relevant Policy Commitments:**

**Action already being undertaken:**

An initial workshop, facilitated by APSE and attended by key stakeholders, has been held to develop a scope for a commissioning review of domiciliary care.

A recent Provider Forum has been used to consult with existing domiciliary care providers on the benefits of alternative models of delivery and improved commissioning that would address the expectations that people have that they will regain their health, skills and independence and experience positive outcomes. The Forum also identified examples of best practice elsewhere which will inform practice and the commissioning review.

**New actions following from the recommendation**

Conclude commissioning review of domiciliary care, which has, as its scope, the reshaping and remodelling of domiciliary care to deliver effective and efficient services and ensure the availability of quality, flexible and relevant interventions.

**Cabinet Member Comments:**

There may be a number of tasks that are identified as being required /requested in order to help an individual to achieve their outcomes (for safe independence). How these tasks are then planned for and delivered needs to balance: what would be seen as helpful for an individual (including the initial timing and frequency of an intervention) and the

benefit of helping staff to use most of their time for client work rather than travelling between clients; the proposed changes in the help provided as the person redevelops skills and requires more community based activities. It is important that we get the Swansea model right to ensure a sustainable and high quality domiciliary care service that promotes effective help and positive outcomes for the independence of the residents of the City & County of Swansea both now, and in the future, in an economic, timely and effective way.

Recommendation is **AGREED**

### **Recommendation 3**

Implements the Gower model across the Swansea area as planned

#### **Relevant Policy Commitments:**

#### **Action already being undertaken:**

The Integration of Community Health and Social Care help now means that services are being delivered geographically across the 3 hubs of Swansea, Central, North and West in conjunction with the 5 community network hubs and the in-patient services.

#### **New actions following from the recommendation:**

Given the recent significant changes to service delivery there is a need to continuously, and effectively, monitor and review the impact of integrating services geographically, and on staff, to ensure these integrated services deliver outcome based help that promotes safe social and health independence.

#### **Cabinet Member Comments:**

The process of integration will bring significant benefits and will require appropriate and ongoing support for staff as they change working practices to address the health and social care needs of our service users.

Recommendation is **AGREED**

<b>Recommendation 4</b>
Protects day centres and respite services wherever possible
<b>Relevant Policy Commitments:</b>
<p><b>Action already being undertaken:</b></p> <p>Day centres and respite services are both subject to reviews to ensure that, where required, developments can occur, however priority has been given for the next 6 months to a review of domiciliary care services.</p>
<p><b>New actions following from the recommendation</b></p> <p>Incorporate day services and respite services as part of the Commissioning Review.</p>
<p><b>Cabinet Member Comments:</b> It is necessary to consider how day services can help promote independence to enable people to remain at home in their local communities.</p>
Recommendation is <b>AGREED</b>

<b>Recommendation 5</b>
Includes social contact as an element of care plans
<b>Relevant Policy Commitments:</b>
<p><b>Action already being undertaken:</b></p> <p>The Intake Team function is being reviewed and will be further developed so that initial signposting and /or intervention addresses the social context and contact within which people function. The delivery of a care plan will need to include all facets of the system, including where possible, and acceptable the involvement of family, community, the third sector as well as trained and qualified staff as appropriate. It is important to address isolation to promote health, well being and independence.</p>

Signposting to a number of befriending schemes to promote social contact is already available and new services are continuously being developed in conjunction with voluntary sector organisations to reduce isolation. Local Area Coordinators (LAC) and Community Connectors are increasingly contributing to the development and support of these social support systems.

Further developments will be available as the health and social care sectors continues to develop directories allowing for better awareness of the public and the opportunity for self referral.

**New actions following from the recommendation**

Subject to the outcome of the Intake Team review, we will amend staff composition, creating a multi-disciplinary team, to signpost and make use of Local Area Coordinators and Community Connectors. We will also work with the Local Area Coordinators and Community Connectors to develop and grow voluntary support.

**Cabinet Member Comments:**

We have to be mindful of an individual's right to freedom of choice and to prioritise the decisions they make. An individual's care plan is developed with each individual and should identify what support is required in order for that individual to achieve their desired outcomes. Social contact may be an integral part of a care plan to help an individual to achieve their desired outcomes.

Recommendation is **PARTIALLY AGREED**

**Recommendation 6**

Includes cleanliness and hygiene as an element of care plans.

**Relevant Policy Commitments:** NA

**Action already being undertaken:**

As indicated in Recommendation 5 above, cleanliness and hygiene are included in care plans in order for an individual to achieve their desired outcomes.

**New actions following from the recommendation**

Will form part of service specification arising from the commissioning review of domiciliary care services which includes personal and practical care in its scope.

**Cabinet Member Comments:**

We have to be mindful of individual's right to freedom of choice and to prioritise the decisions they make. An individual's care plan is developed with each individual and should identify what support is required in order for that individual to achieve their desired outcomes. Cleanliness and hygiene would therefore be included if it helps an individual to achieve their desired outcomes.

Recommendation is **PARTIALLY AGREED**

**Recommendation 7**

Undertakes a review of the information provided on the Council's website with carers and service users.

**Relevant Policy Commitments:**

**Action already being undertaken:**

The City & County of Swansea website has been updated and re-launched (September 2014) since the evidence gathering by the Scrutiny Panel concluded.

Some consultation work has already been undertaken both with a carers group and also a "Readers and Reviewers" group reviewing social care content.

The Social Care and Wellbeing (Wales) Act 2014 emphasises the importance of providing up to date information to service users and carers.

**New actions following from the recommendation**

To continue to monitor and review information on the Council's website to ensure that there is sufficient detail written in a form that is accurate,

accessible to everyone, and offers links and signposts to alternative support websites (see recommendation 17).

**Cabinet Member Comments:**

We also need to be mindful that not everyone has access to online technology and that the same information in alternative formats is equally as accessible.

Recommendation is **AGREED**

**Recommendation 8**

Expands the role of the intake team to be an “independence advice team”.

**Relevant Policy Commitments:**

**Action already being undertaken:**

As single point of contact for Health and Social Care, it is the Intake Team’s role to signpost, depending on need, to organisations who can advise. A third sector broker has been recruited and sits within the Intake Team to signpost individuals to the range of third sectors.

**New actions following from the recommendation**

An in depth review of the current Intake function will be undertaken to ensure that it is ‘fit for purpose’ and delivers on the prevention strategy. Where there is signposting to the third sector/ independent advice there will be a feedback loop to ensure appropriate and prompt intervention.

**Cabinet Member Comments:** At different stages of the care pathway that focuses on promoting safe independence there is a need for communication, negotiation, respect and joint working.

Recommendation is **PARTIALLY AGREED**



**Recommendation 9**

Reviews the assessment process including the training needs and qualification of the Intake Team.

**Relevant Policy Commitments:**

**Action already being undertaken:**

As single point of contact for Health and Social Care, it is the Intake Team's role to signpost, depending on need, to a relevant service or professional to assess. A third sector broker has been recruited and sits within the Intake Team to signpost individuals to the range of third sectors.

Three social workers have been placed back into hospitals to undertake assessments and reduce delayed transfers of care.

**New actions following from the recommendation**

An in depth review of the current Intake function will be undertaken to ensure that it is 'fit for purpose' and delivers on the prevention strategy. This review will take into account the national integrated assessment document and how best to utilise it to identify and meet need and trigger timely service intervention.

As the review will place an emphasis on getting the right skills mix to commence the assessment process more expediently, and improve the client care pathway, consideration will be given to the inclusion of duty Health and Social Care professionals within the Intake Team.

**Cabinet Member Comments:** It is important that appropriately trained and qualified staff are present at the right time and, to ask the right questions, in order to signpost promptly and effectively.

Recommendation is **AGREED**

**Recommendation 10**

Ensures that local ward councillors are effectively engaged in locality approaches such as the Gower Model

<b>Relevant Policy Commitments:</b>
<p><b>Action already being undertaken:</b></p> <p>The Integration of Health and Social Care now means that Integrated Community Services are being delivered geographically across the 3 hubs of Swansea, Central, North and West. Bearing in mind that these services commenced in April 2015 and require time to bed in, there is a need to support the public and the staff, and ward councillors are an important part of this process.</p>
<p><b>New actions following from the recommendation:</b></p> <p>To arrange a presentation for Councillors on the new Integrated Community Services and the plans that are in place regarding the continuing evaluation of outcomes.</p>
<p><b>Cabinet Member Comments:</b></p> <p>Engagement with councillors and other formal/informal connectors (see recommendation 19) is key to building community networks that support our most vulnerable clients in the community in order that they may remain in that community. Given the importance of this development, feedback an annual feedback mechanism to Councillors will be developed.</p>
<p>Recommendation is <b>AGREED</b></p>

<b>Recommendation 11</b>
Involves external providers when any significant aspects of the service are redesigned
<b>Relevant Policy Commitments:</b>
<p><b>Action already being undertaken:</b></p> <p>An initial workshop, facilitated by APSE and attended by key stakeholders, has been held to develop a scope for a commissioning review of domiciliary care.</p>

A recent Provider Forum has been used to consult with existing domiciliary care providers on alternative models of delivery and to identify examples of best practice elsewhere to inform the commissioning review.

**New actions following from the recommendation**

Commissioning review to consult with all stakeholders including staff and managers and/or their representatives throughout the review process.

**Cabinet Member Comments:**

It is important that we engage not only with our existing external supplier base (be it private or voluntary/third sector) but also with the wider market to ensure that we achieve sustainable and quality service delivery that meets the needs of our existing and future clients in the most effective, and efficient way. The model of delivery may include a mix of public sector (e.g. Integrated Community Care Service) and external provision.

Recommendation is **AGREED**

**Recommendation 12**

Adopts and implements the UNISON Ethical Care Charter

**Relevant Policy Commitments:**

**Action already being undertaken:**

Consultation commenced with key stakeholders on implications of adopting elements of Unison's Ethical Care Charter.

**New actions following from the recommendation**

Subject to further discussions, incorporate agreed aspects of Unison's Ethical Care Charter in the commissioning review, and any subsequent procurement of domiciliary care, in order to develop and procure sustainable service delivery.

Continued monitoring of domiciliary care against agreed standards, developed as part of the commissioning review of domiciliary care, to ensure that care delivered, is of a quality standard and is provided by staff

who have the skills to deliver the service and that feel that the job they do is valued.
<b>Cabinet Member Comments:</b> Standards formulated and agreed as part of the commissioning review of domiciliary care and included in the commissioning documentation could form part of a Swansea Care Charter.
Recommendation is <b>Partially Agreed</b>

<b>Recommendation 13</b>
Stipulates living wage in contracts
<b>Relevant Policy Commitments:</b>
<p><b>Action already being undertaken:</b></p> <p>Survey conducted with existing domiciliary care providers to establish current rates of pay of care workers in the sector.          Consultation with existing providers on relationship between procurement methods, the terms and conditions of care staff and the recruitment and retention of those staff in the sector.</p> <p>Consultation commenced with key stakeholders on implications of adopting Unison’s Ethical Care Charter.</p>
<p><b>New actions following from the recommendation</b></p> <p>Subject to further discussions, incorporate agreed aspects of Unison’s Ethical Care Charter in the commissioning review of domiciliary care in order to develop sustainable service delivery and procurement models for domiciliary care.</p>
<p><b>Cabinet Member Comments:</b></p> <p>We acknowledge the importance of recognising and rewarding staff that deliver care to some of our most vulnerable adults in the community. However we need to be cognisant of the additional financial burden on the Local Authority against a backdrop of increased demand and efficiency savings (budget cuts).</p>

A Living Wage would not be affordable in the current economic climate without reshaping and remodelling our current domiciliary care provision.

Recommendation is **Not Agreed**

#### **Recommendation 14**

Reviews the use of zero hours contracts.

#### **Relevant Policy Commitments:**

#### **Action already being undertaken:**

A survey conducted with existing domiciliary care providers to establish current usage of zero hours contracts concluded that few only offered zero hours contracts, with most employing a mix of contract types with their workforce.

A recent domiciliary care provider forum considered the relationship between the Local Authority's existing procurement arrangements for domiciliary care and the recruitment and retention of care staff. The forum discussed different procurement methods which could be employed by the Local Authority to aid providers with workforce planning and permit the recruitment of staff on minimum hours or guaranteed hours contracts.

Consultation has commenced with key stakeholders on the implications of adopting Unison's Ethical Care Charter which states that zero hours contracts will not be used routinely.

#### **New actions following from the recommendation**

To incorporate the findings in respect of the use of zero hours contracts in the commissioning review of domiciliary care in order to develop sustainable service delivery and procurement models for domiciliary care.

#### **Cabinet Member Comments:**

Whilst it is acknowledged that widespread use of zero hours contracts may have a detrimental impact on the recruitment and retention of care staff in the sector, as well as continuity of care for our domiciliary care clients, we need to be mindful that for some individual carer workers, a zero hours or relief contract is preferable. Consideration should be given

to capping the proportion of a provider's workforce that is on zero hours contracts as part of any future procurement exercise.

Recommendation is **AGREED**

### **Recommendation 15**

Holds a stakeholder conference for all partners and providers to discuss the future of social care at home and shared principles going forward - models of home care.

#### **Relevant Policy Commitments:**

#### **Action already being undertaken:**

An initial workshop, facilitated by APSE and attended by key stakeholders, has been held to develop a scope for a commissioning review of domiciliary care.

A recent Provider Forum has been used to consult with existing domiciliary care providers on alternative models of delivery and to identify examples of best practice elsewhere to inform the commissioning review.

#### **New actions following from the recommendation:**

Commissioning review to consult with stakeholders and/or their representatives throughout the domiciliary care commissioning review process.

#### **Cabinet Member Comments:**

We recognise the need for, and importance of, reshaping and remodelling our domiciliary care service model to develop a sustainable service which meets the needs of the residents of the City & County of Swansea both now and in the future.

Recommendation is **AGREED**

<b>Recommendation 16</b>
<p>Publishes a simple “map” of the home care process on the Council's website that can be downloaded and printed.</p>
<p><b>Relevant Policy Commitments:</b></p>
<p><b>Action already being undertaken:</b></p> <p>Following the integration of Health and Social Care, a ‘dom care’ project group has been established to look at streamlining internal processes which will seek to improve existing care pathways.</p>
<p><b>New actions following from the recommendation</b></p> <p>This project group will feed into the overarching commissioning review of domiciliary care, which has, as its scope, the reshaping and remodelling of domiciliary care services.</p> <p>Following the interim revision of care pathways into a domiciliary care service, consideration be given to developing a user-friendly “map’. This latter to be reviewed and updated accordingly following conclusion of commissioning review of domiciliary care.</p>
<p><b>Cabinet Member Comments:</b> It is important that this map, including the review process, is developed and in place by the end of the year.</p>
<p>Recommendation is <b>AGREED</b>.</p>

<b>Recommendation 17</b>
<p>Provide a simple up to date list of who to contact when you need help on the Council's website that can be downloaded, printed and circulated.</p>
<p><b>Relevant Policy Commitments:</b></p>
<p><b>Action already being undertaken:</b></p>

The City & County of Swansea website was re-launched in September 2014 post evidence gathering by the Social Care At Home Scrutiny Inquiry Panel. There is a list, as described in the report available at <http://www.swansea.gov.uk/contactsocialservices>.

Essential Social Services contacts are already widely available in Swansea (including libraries and GP surgeries) through the "Information for Carers in Swansea" leaflet.

**New actions following from the recommendation:**

To continue to monitor and review information on the Council's website to ensure that there is sufficient detail written in a form that is accurate, accessible to everyone, and offers links and signposts to alternative support websites (see recommendation 7).

**Cabinet Member Comments:** The councils website offers an important access point to information that could stimulate good practice and offer additional opportunities to help carers from the range of developing websites such as 111 and those from third sector provision.

Recommendation is **AGREED**

**Recommendation 18**

Ask the Health Board to review the system for providing basic support items eg. Incontinence pads.

**Relevant Policy Commitments:** NA

**Action already being undertaken:**

The integration of Community Services, bringing together Health and Social Care, has resulted in a new referral process for continence products via the Intake Team. Continence products are currently assessed and prescribed by a district nurse and more complex continence issues are managed by the Health Board-wide Continence Service. There are no proposed changes to this process at this point.

**New actions following from the recommendation:**

Monitor and review the effectiveness of the new referral process and



service.

**Cabinet Member Comments:** Ongoing evaluation of the new referral process is required given continued concerns and, to ensure that the eligibility process is not only effective but communicated more widely.

Recommendation is **AGREED**

### **Recommendation 19**

Holds local events for community connectors to network with councillors and other informal connectors.

#### **Relevant Policy Commitments:**

#### **Action already being undertaken:**

One of the Community Connectors key functions is networking and getting to know their patch by building bridges between people and organisations in the community. One of the ways they do this is to hold local networking events in each of the 5 general practice areas – these have been running for over a year and they provide the opportunity for key individuals within the community, both formal and informal, to get together on a regular basis to build networks, local knowledge and an understanding of what works well and what needs to be improved in each area. Local councillors have been invited and involved but not necessarily across the five areas or routinely.

The Community Connectors will be part of a range of preventative services such as Local Area Coordination, Third Sector Brokerage and Adult Family Group Conferencing.

#### **New actions following from the recommendation**

Ensure that councillors and other informal connectors are invited routinely to local network meetings and that there is a focus on co-ordinating activities across the range of voluntary agencies to ensure that there are an appropriate variety of places, groups and activities for users to be involved in, further develop, and maintain.

**Cabinet Member Comments:**

We acknowledge that part of the role of a Community Connector is to develop and maintain links with other formal /informal connectors and organisations to facilitate signposting of individuals to services who may be able to offer support and to develop sustainable support groups within communities, where needed.

Recommendation is **AGREED**

**Recommendation 20**

Investigates the delays between assessment and brokerage whilst broader changes are being considered.

**Relevant Policy Commitments:**

**Action already being undertaken:**

A 'dom care' project group has been established to look at internal data and performance requirements as well as streamlining internal processes to reduce any delay in an individual's care pathway irrespective of whether they require long term care.

**New actions following from the recommendation**

This project group will feed into the overarching commissioning review of domiciliary care, which has, as its scope, the reshaping and remodelling of domiciliary care services.

In the interim, there is a commitment to amend the pathway into the domiciliary care service to incorporate findings from the domiciliary care project group to reduce unavoidable delays.

**Cabinet Member Comments:**

Recommendation is **AGREED**

**Recommendation 21**

Check whether all unpaid carers are receiving their assessments and annual reviews.

**Relevant Policy Commitments:**

**Action already being undertaken:**

In response to feedback received from various historical consultations with Carers across the UK, a pilot is to be established with the Carers Centre in Swansea undertaking Carers assessments.

There are a number of research projects around Carers and their Caring Role (including Young Carers, Spousal Carers and ' Carers in work).

**New actions following from the recommendation**

Implementation of the Social Care and Wellbeing (Wales) Act 2014 will consolidate the need to ensure carers are offered the right to an assessment in their own right. Despite the offer of an assessment many carers wish to manage their own caring role and only want help when they want it. Knowing where to access help when and if required is important with access to advice from existing carers and with that in mind a review of information on the web site will be pursued using information from new research if necessary.

We need to be mindful of the impact of efficiency savings and budgetary constraints on protecting front line services which is one of the reasons for reviewing our existing respite/ sitting services. This review will also feed in to the commissioning review of domiciliary care which includes all client groups and Carers.

**Cabinet Member Comments:**

Recent Census data would suggest that there are over 30,000 unpaid carers and not all of them are known to Social Services. Swansea has an exceptional record for identifying and offering Carers assessments to eligible Carers (currently defined as those Carers that are providing regular and substantial care). Some Carers will of course decline the offer although they are advised that they can request an assessment at any time. Furthermore, not all Carers who receive an assessment will receive services as a result of that assessment. We acknowledge that all assessments should be reviewed annually or as the need arises.

In order to raise the awareness amongst, and profile of, Carers in Swansea, the City & County of Swansea actively promotes Carers Week (6<sup>th</sup> – 12<sup>th</sup> June 2015) and Carers Rights Day in November taking the opportunity to run a series of events involving multiple organisations that support Carers in Swansea.

We acknowledge that further work may be required to actively engage with Carers in the care planning process. How this can be achieved may form the basis for some further research with the University.

Recommendation is **PARTIALLY AGREED**

**Recommendation 22**

Ensure that complaints information is easy to find on the Council website.

**Relevant Policy Commitments:**

**Action already being undertaken:**

The City & County of Swansea website was re-launched in September 2014 post evidence gathering by the Social Care At Home Scrutiny Inquiry Panel. Furthermore, new Social Services Complaints regulations became effective from the 1<sup>st</sup> August 2014 and the Corporate Complaints Process was reviewed and a new policy ratified by Cabinet in March 2015.

**New actions following from the recommendation**

All complaints, compliments and comments made should follow the same process and channelled by the Complaints Team for central recording,

monitoring and analysis.

Ongoing monitoring and review of accessibility of complaints information on the Council's website.

**Cabinet Member Comments:**

We acknowledge that the user friendliness of the new website needs further fine tuning however it is possible to make a complaint, comment or compliment within 2 clicks on the new site.

<http://www.swansea.gov.uk/article/7192/Comments-compliments-complaints>

We also need to be mindful that not everyone has access to online technology and that the same information in alternative formats is equally as easy to find.

The complaint process will be a mechanism to identify key issues where practice has fallen below standard.

Recommendation is **AGREED**

**3.0 Equality and Engagement Implications**

3.1 There are no specific equality and engagement implications at this time.

**4.0 Legal Implications**

4.1 There are no specific legal implications at this stage.

**5.0 Financial Implications**

5.1 Financial implications of individual proposals will require consideration at the appropriate time.

Background Papers: None

Appendices: Appendix A – Final Inquiry Report  
Appendix B – Action Plan

## **Building an Independence Service**

*How can the Council and its partners best support older people to remain in their own homes?*

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**The Social Care at Home Scrutiny Inquiry Panel**  
**City and County of Swansea - Dinas a Sir Abertawe**



December 2014

## Why This Matters by Councillor Uta Clay (Convener)



First, may I thank my predecessor, Councillor Jane Harris, for her commitment and work in chairing this scrutiny panel for almost a year, until her promotion to Cabinet. I thank my colleagues for trusting me to finalise this very comprehensive study of Social Care at Home.

Adult Social Care, together with affordable homes for all and fit for purpose public transport, has the greatest practical impact on the day to day lives of our people. The wonderful advances of medical care means that many more people live to a high age than a generation ago. This good bit of news has a sting: with more elderly people needing support to enjoy a good quality life, there is pressure for expansion of support services to enable people to remain independent for as long as possible and avoid having to be cared for in an institutional setting like a hospital or residential care.

However, at the very time of greater demand, local authorities are facing unprecedented pressure from the Westminster government (passed on by the Welsh government) to make deep spending cuts as a remedy to pay for the massive deficit caused by the banking crisis of 2008. This national policy of austerity places Swansea Council in an appalling situation where cuts have to be implemented whilst need is growing. In response the Welsh government and Swansea Social Services Department initiated a wholesale review of services and policy proposals for the transfiguration of Adult Social Care.

In preparation for these changes this panel looked at how social care is presently delivered to people who wish to remain in their own homes. We received information from our officers, we invited voluntary organisations to offer their perspective, we spoke to professionals both in health and social care, we heard from private providers, we spoke to older people at day centres and in their own homes and we listened to carers and their support organisations.

We were impressed with the dedication of professionals we met, we recognise initiatives which work well, we have highlighted areas that need to be improved but also some that don't work well and need to be replaced. We encountered a great deal of goodwill from all parties, both in-house and external, but this was an inquiry into a complex area and it was not always easy to find the information we needed.

Last but not least I wish to pay tribute to the thousands of 'informal carers' (family, friends, neighbours) without whose commitment our services could not cope, whose never ending work is often overlooked and whose needs are frequently not recognised.

I thank all panel councillors for the sustained work over 12 months, the contributions that brought personal insights to this process and the diligent scrutinising of details that culminated in a report which, I am certain, will be an indispensable contribution to the new TASS panel and will inform the changes necessary for Swansea to maintain social care for adults which are affordable and realistic.

## **Summary of Conclusions and Recommendations**

### **Building an Independence Service**

How can the Council and its partners best support older people to remain in their own homes?

#### **Conclusions**

1. Build an independence service to replace the current care service
2. Put tackling loneliness at the heart of our prevention agenda
3. Make sure there is help for cleanliness and hygiene where needed
4. Improve access to the information and help that people need
5. Make the most of the first contact
6. Roll out the Gower model
7. Work with external care providers as partners
8. Invest in the paid carers
9. Care for the unpaid carers
10. Ensure that the voices of older people can be heard
11. Build a 'community of support'

#### **The Panel recommends that Cabinet:**

##### *1.1 Long term challenges*

1. Expands and enhances the reablement service
2. Moves the social care at home service from 'time and task' to an outcome based system
3. Implements the Gower model across the Swansea area as planned
4. Protects day centres and respite services wherever possible

##### *1.2 Medium term improvements*

1. Includes social contact as an element of care plans
2. Includes cleanliness and hygiene as an element of care plans
3. Undertakes a review of the information provided on the Council's website with carers and service users
4. Expands the role of the intake to team to be an 'independence advice team'
5. Reviews the assessment process including the training needs and qualifications of the Intake Team
6. Ensures that local ward councillors are effectively engaged in locality approaches such as the Gower Model
7. Involves external providers when any significant aspects of the service are redesigned



8. Adopts and implements the UNISON Ethical Care Charter
9. Stipulates living wage in contracts
10. Reviews the use of zero hours contracts
11. Holds a stakeholder conference for all partners and providers to discuss the future of social care at home and shared principles going forward – models of home care

### 1.3 *Quick wins*

1. Publishes a simple 'map' of the home care process on the Council's website that can be downloaded and printed
2. Provides a simple up to date list of who to contact when you need help on the Council's website that can be downloaded, printed and circulated
3. Ask the Health Board to review the system for providing basic support items e.g. incontinence pads
4. Holds local events for community connectors to network with councillors and other informal connectors
5. Investigates the delays between assessment and brokerage while broader changes are being considered
6. Checks whether all unpaid carers are receiving their assessments and annual reviews
7. Ensure that complaints information is easy to find on the Council website

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## 2 WHY WE PRODUCED THIS REPORT

### 2.1 Overview

2.1.1 In selecting this topic and producing this report we wish to underline both the significance of social care at home services and the challenge that comes with ensuring that they are effective. We recognise that work is ongoing in this area and that a major transformation programme is underway. Nevertheless, as a Panel we believe that we can make a valuable contribution both to service improvement and more generally to the way in which the independence of older people is supported across the City and County of Swansea.

### 2.2 Selecting the topic

2.2.1 The Inquiry into Social Care at Home was proposed by the Annual Scrutiny Work Planning Conference in May 2013 and was subsequently included in the scrutiny work programme by the Scrutiny Programme Committee.

2.2.2 This topic was chosen firstly because providing social at home (or domiciliary care as it is sometimes known) is a significant service area for the Council. Up to 1800 people may receive social care at home at any one time and while less than 30% receive an ongoing home care service directly from the Council, the City and County of Swansea nevertheless has overall responsibility for all of the care provided.

2.2.3 Supporting older people to live at home is also one of the Council's corporate objectives. The Council wants to ensure that: *'People are safe, well and supported to live independently'*. Within this objective the Council has agreed to: *'Increase the percentage of people that are supported to be independent'*.

2.2.4 Furthermore, promoting the independence of older people is one of the 21 challenges contained in the One Swansea Plan. Specifically it includes the aspiration to increase the percentage of people supported in their own home, rather than in residential care, to 85%. Swansea's performance for 2012/13 was 80.2%.

2.2.5 As a Council we want our older people to be able to live independently in their own homes, not just because it costs us less than residential care but also because we respect that this is the choice that the vast majority of people would make for themselves.

2.2.6 As well an issue of strategic importance for the Council and its partners, providing social care at home in order to support independence is an issue of concern. Increasing demand as a consequence of an aging population coupled with the drastic reductions in public funding mean that the old ways of doing things are no longer fit for purpose. Business as usual is not an option.

2.2.7 Older people are not the only group to receive social care at home. The Panel agreed to focus on older people during this inquiry, but to recommend to the Scrutiny Programme Committee that further work should be carried out

in the future with other groups requiring social care at home. These could include people with physical and learning disabilities, including children and young people, as these are considered by the Panel to be equally as important. The Panel felt that it was necessary to focus on only one of these areas, in order to produce a clear and meaningful report.

### 2.3 *Moving to a new model*

2.3.1 The Council recognises that a new model for providing this service is needed. This is being delivered through the Transforming Adult Social Services (TASS) Programme. This programme, which has been developing over the last three years, is underpinned by the Council's Policy Commitments, the Sustainable Swansea initiative and the requirements of the new Social Services and Wellbeing (Wales) Act 2014. Each will be briefly outlined in turn.

2.3.2 'Standing up for High Quality Health and Social Services' is one of the Council's Policy Commitments includes the following themes:

- Prevention, not failure
- Localising Services
- Working Together
- Public Interest above Private Profit
- Invest in our People

2.3.3 Since we started our Inquiry and as part of the two year review of the Policy Commitments presented to Council in August 2014, the following was also highlighted:

- **Support independent living; provide improved options for older people.** We have commissioned, engaging with other stakeholders, an independent review of Older People's services with a view to developing a sustainable options for older people

2.3.4 The outcomes of this review were not available before the conclusion of the evidence gathering for this Inquiry.

2.3.5 Sustainable Swansea – fit for the future, is the long term plan for change being developed by the Council in order to address the financial, demographic and social challenges facing Swansea. The savings of £70 million that will need to be achieved over the next three years illustrates the scale of this challenge and why change will need to be radical and far reaching.

2.3.6 Sustainable Swansea has four workstreams, all of which are relevant to social care at home. These are:

- Efficiency
- New models of service delivery
- Prevention

- Stopping services
- 2.3.7 Further information about Sustainable Swansea can be found at: [www.swansea.gov.uk/sustainableswansea](http://www.swansea.gov.uk/sustainableswansea).
- 2.3.8 The Social Services and Wellbeing (Wales) Act 2014 received Royal Assent on 1st May 2014 and will be implemented in April 2016. Under the Act each local authority, working with partners, must ensure people have the information and advice that they need (including support for carers), and, where appropriate, help and assistance<sup>1</sup>. The Council will need to provide:
- The first point of entry
  - Information to help people understand how the care and support system operates within their area
  - The service to all citizens
  - Citizens with the opportunity to begin the discussion of their care and support needs and to identify what they want to achieve
  - Options and signpost citizens towards appropriate care and support, including advice on the range of preventative services available in the community
  - Where appropriate, active assistance for people to help them access services
  - A service that is accessible/understandable to individuals
- 2.3.9 As a Panel we hope that our recommendations will support the Council in meeting these requirements of the Act.
- 2.3.10 In response to the Council's Policy Commitments, the Sustainable Swansea Programme and the requirements of the Social Services and Wellbeing (Wales) Act, the TASS Programme has three strands:
- Redesigning the operating model towards wellbeing, prevention and self-managed care
  - Reshaping and remodelling services – services are commissioned to be more person centred, flexible, innovative and better value for money
  - Refocusing on communities to ensure that we are linking citizens into local resources and networks
- 2.3.11 The TASS programme is now moving into a new phase in order to implement the new Act. Specifically it will be:
- Working regionally through the Western Bay Regional Health and Social Care Programme
  - Operating in partnership with Health and the Third Sector

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<sup>1</sup> Factsheets about the Act can be found on the Welsh Government Website at: <http://wales.gov.uk/topics/health/publications/socialcare/guidance1/factsheets/?lang=en>

- Engaging with citizens, service users, carer and staff about a future model of social care.

## 2.4 *Intended contribution*

2.4.1 As a Panel we believe that we can make a valuable contribution to this process of transforming the Social Care at Home service. We recognise that the challenges are deep seated and often complex. We also believe that, while no one has all of the answers, success will only come from a conversation that everyone is able to contribute to. It is in this spirit that our conclusions and recommendations are offered.

2.4.2 Specifically this report aims to contribute to this vital debate by:

- Drawing together some general principles for the development of the home care service
- Offering proposals for improvement in the long, medium and short term
- Providing a councillor perspective on how well the service is working
- Pointing to good practice examples
- Sharing the views of different people within the home care 'system'

2.4.3 We are also happy to recognise the limitations of the inquiry. Given the complexity of the topic and the time that we had this report necessarily provides a broad view. We simply did not have the time to go into issues in depth.

2.4.4 Finally, many of our conclusions are in line with the Council's current direction of travel and these are offered in order to provide reassurance. Other may be either additional or contrary to what has already been agreed. These are intended to offer challenge and to stimulate debate. Where we have made recommendations these are intended to help improve the service.

## 2.5 *Use of key words and phrases*

2.5.1 We found a number of terms that were used to mean different things or that may not be known to the lay person. In writing this report we have used a number of terms as follows:

- We have distinguished clearly between paid and unpaid carers although we found that not everybody does. Paid carers are those employed to visit people's homes to perform tasks, unpaid carers are family and friends or other volunteers providing support.
- Brokerage is a term that can either refer to the Council's system of allocating care packages to private providers or more generally to helping people to access services. Here we use the term brokerage to mean the narrower first definition.
- Reablement is a term that can refer to a medical intervention such as physiotherapy required to support independence or may also be used more generally to mean any process that supports independence such as

the provision of a handrail for example. Here we use the term more generally and use 'physical reablement' when appropriate.

### **3 EVIDENCE**

#### *3.1 Evidence Collected*

3.1.1 Evidence was collected between January and September 2014. In total 17 evidence gathering activities were undertaken by the Panel as follows:

- a. Q&A with Head of Adult Social Services and Lead Officer
- b. Home Care Good Practice Case Studies
- c. Roundtable with representatives from ABMU Health Board, 50+ Network and Age Cymru Swansea Bay
- d. Q&A session with Internal Provider, Legal and Procurement
- e. Q&A Session with External Providers
- f. Visits to Day Centres to Meet Service Users
- g. Survey of Service Users
- h. Questions in Swansea Voices
- i. Q&A with Cabinet Member, Contracts Officer and Internal Provider
- j. Presentation from Unison about their Ethical Care Charter
- k. Presentation from the Gower Integrated Care Team
- l. Q&A with the Head of Adult Social Services
- m. Presentation from Swansea Carers Centre
- n. Further information from Social Services
- o. Presentation from the British Red Cross
- p. Visits to Meet Service Users and Carers in Their Homes

3.1.2 For full details of how the evidence was gathered including details of all of the findings from each session please see the findings report for this inquiry. This report can be downloaded at [www.swansea.gov.uk/scrutiny](http://www.swansea.gov.uk/scrutiny).

## 4 CONCLUSIONS

### 4.1 *Build an independence service to replace the current care service*

- 4.1.1 The TASS programme aims to ensure that services should focus on outcomes and independence. We wholeheartedly agree that this is the right direction and we support the Council's Policy Commitment to focus on prevention. However, aspects of the Social Care at Home Service remain out of step with this aspiration; in particular the 'time and task' model and the brokerage system. We believe that this model should be replaced with one that has outcomes rather than tasks at its heart.
- 4.1.2 The Domiciliary Care Assessment Service provides a six week period of 'reablement' for most of the older people receiving support from social services in order to help them regain their independence<sup>2</sup>. This service works with the individual to achieve the outcomes that are important to them and to help them to be as able as possible to look after themselves. As a Panel we believe that this is the right approach and should be the way that services are provided even after the initial six week period. Currently, after the Domiciliary Care Assessment Service has finished with a person, and where required, a long term care package is put in place through the brokerage system. This care is provided through a time and task approach.
- 4.1.3 As a Panel we believe that the time and task system, in other words allocating paid carers specific tasks to do in people's homes, has serious limitations and does not provide acceptable care for all. We are concerned that 20 minute packages of care may not be sufficient to meet people's needs. We heard evidence from Age Cymru Swansea Bay that a paid carer had been witnessed arriving at their destination, assisting the client, completing the relevant paperwork, making the call to the office to report their presence and leaving. Out of a total of twenty minutes, only twelve minutes were spent with the client. As councillors we have heard similar accounts that, while anecdotal, suggest that some care packages may not be adequate for many older people.
- 4.1.4 While the Council, which provides in house support for 29% of those receiving social care at home, is able to provide a better service than external providers, the higher cost of this service means that it cannot be available for all. Indeed, the current system seems to offer the Council an impossible choice between providing a higher quality service for fewer people or a lower quality service for more. We do not believe that a model that has such a tension at its heart can be defended in the long term (see also 4.8.4). [reference ought to be 4.8.4?]
- 4.1.5 A further shortcoming of time and task is the inflexibility of the system. In our opinion assessment should be a three way ongoing conversation between the client, the provider and the Council that continues after the initial six week 'reablement' period. This is the approach in Councils such as Thurrock and

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<sup>2</sup> <http://www.swansea.gov.uk/article/3915/The-Domiciliary-Care-Assessment-Service-DCAS>



for third sector organisations such as the British Red Cross, for example. With the current system, however, once packages of care have been allocated they can be difficult to change. We heard from external providers that while they undertake their own assessments these are not recognised by the local authority. We understand from Social Services that where a provider indicates that someone's needs have changed then a review will be triggered and that the initial assessment process through the Domiciliary Care Assessment Service is intended to ensure that the care that is commissioned is appropriate to meet the support needs agreed with the person. Nevertheless, we had indications that, if the assessment does not get it right then there is a wait of 12 months to the review. While we accept that providers may have their own incentives for changing care packages but we are still concerned that a lack of flexibility may be detrimental to the service.

4.1.6 We found that the current brokerage system is not well suited to providing a good service. Once people have had their needs assessed and been through the Domiciliary Care Assessment Service if referred there, a care package is may be designed for them. This package is then offered to care providers through the brokerage system. This is a list that all providers have access to and, if they can meet the needs of the client, they can make a claim for that work.

4.1.7 We want to highlight a number of difficulties associated with the brokerage system:

- The time it takes from intake to any support being received is a cause for concern. It can certainly take up to six or seven weeks or, according to anecdotal evidence that we heard, significantly longer than this. While we understand that people should remain with the Domiciliary Care Assessment Service if there is any delay in securing a provider, we are concerned that this may not always be the case based on the evidence that we heard.
- There are examples when no providers want to take up a particular package if it is seen as unattractive
- At the time we collected our evidence packages were being offered city wide. This makes it difficult to group clients together in areas so that paid carers could work to patches and have less travel time.
- There are a limited number of providers in the social care market. Apart from the Council there are four external care providers delivering the majority of packages locally.

4.1.8 The Council clearly acknowledges these difficulties and is taking steps to address them. We heard from officers that a patch based approach to allocating care packages is being developed but also that the weak state of the social care market means that this cannot always be achieved.

4.1.9 We also heard from the previous Cabinet Member that he wanted to see a greater diversity of providers in order to increase resilience to market failure

and to raise standards. We support in particular the aspiration to bring more voluntary agencies and co-operatives into the market. We felt that the Sunderland Home Care Associates was a particularly good example to look at. At the same time we are concerned about the lack of progress in this regard.

- 4.1.10 Ultimately, however, we question whether a 'market place' approach to delivering long term care packages is the right one. We argue instead that the Council needs to move from a time and task system to a system that focuses on positive outcomes for the citizen; from a system that is concerned primarily to assess eligibility to one that seeks to understand what people need to enable them to stay independent. Such a service would move away from just the allocation of personal care tasks, important as they are to support independence, and allow much greater flexibility for paid carers to work with their clients on a range of issues.
- 4.1.11 We believe that such a service is achievable. We know that many voluntary organisations work on this basis and were impressed with the evidence we heard from the British Red Cross about their approach. This involves working holistically with the client to negotiate and achieve three independence goals. We heard that Social Services are trying to work with private sector providers to encourage more independence work to take place as part of long term care packages but we also understand that there are a number of issues to be tackled including staff training, cultural issues and commissioning issues. While we endorse this aspiration we wonder how achievable it is within the current 'time and task' framework.
- 4.1.12 We also collected evidence about other authorities who employ an outcomes approach such as Wiltshire and Essex Councils. Wiltshire County Council has established a framework of outcomes relating to both 'reablement' and 'maintenance'. Care plans based on these outcomes are person centred and negotiated between the service user, provider and the local authority. Similarly Essex County Council have moved from 'time and task' to a system that pays for outcomes rather than activities. This approach has resulted in savings for the Council as well as a stabilised providers market where competition takes place primarily on the basis of quality rather than cost.
- 4.1.13 Getting people up on their feet after a fall or other health problem, is an essential part of supporting independence. As a Panel we believe that this part of the social care at home service should be developed and enhanced.
- 4.1.14 The central recommendation of this report is, however, that the Council should move from providing a care service based upon 'time and task' to an independence service based upon positive outcomes for our older people. The remainder of the report deals with a number of issues linked to this proposal.

## 4.2 *Put tackling loneliness at the heart of our prevention agenda*

- 4.2.1 As a Panel we felt strongly that emotional wellbeing should be a core element of support for independence. We believe that the effects of loneliness and

social isolation can have a negative impact upon people's physical and mental health and therefore undermine independence.

4.2.2 We know that this is already an issue for many working in the sector. Gwalia's Extra Care scheme, for example, is a flexible model that provides people with the comfort and security of a personally owned home but with the added benefit of a wider community of support at hand. The Council's Community Connector scheme is another good example of how social isolation can be tackled.

4.2.3 Nevertheless we would like to see a greater emphasis on this issue and it playing a greater part in the mainstream provision of social care at home. This would include recognition that the paid carers who work in people's homes provide a vital source of social contact for many. Social contact should therefore be considered as a key element of social care at home care plans.

4.2.4 As a Panel we also wish to stress the importance of day centres and respite services in this regard. We also want to recognise all of those, whether voluntary, community based or private sector, who provide people with opportunities for social contact.

4.2.5 In this context we also believe that the Council should explore alternative approaches to housing, such as Gwalia's Extra Scheme, although this is only one example. This is an issue that is, however, beyond the scope of this report. We would therefore like to suggest that it is picked up by the Scrutiny Programme Committee as part of the scrutiny work programme.

#### 4.3 *Make sure there is help for cleanliness and hygiene where needed*

4.3.1 One strong concern we had as a Panel was that the 'basics' such as a cleanliness and hygiene should be important considerations for the social care at home service. We understand that cost constraints mean that it is no longer possible to provide services such as cleaning directly but we feel that any service should be doing as much as possible to help people to access these services by other means. We believe that it is detrimental to ignore this because it could lead to deterioration in physical health but also many people may become depressed if they have to live in poor conditions. More fundamentally we believe that everyone is entitled to the dignity that comes with basic cleanliness and hygiene.

4.3.2 One issue linked to this that we concerned about was the availability of incontinence pads. We believe that it is more difficult than it should be to get access to these vital support items and we would urge the Cabinet Member to ask the Health Board to look at whether the current system can be improved.

4.3.3 As a panel we recommend that issues of cleanliness and hygiene are monitored and reported by paid care staff in a way that will allow early intervention and support to be provided.

#### 4.4 *Improve access to the information and help that people need*

- 4.4.1 As the service moves from providing care to supporting independence so the provision of information and the signposting of services will become more and more important. We note also that this is a central component of the Social Services and Wellbeing (Wales) Act 2014. While we understand that the service is being expanded with the help of Welsh Government Grant Funding we believe that the Council needs to invest more in this aspect of the service in order to support independence and reduce demand for services further down the line.
- 4.4.2 Better information starts with information about the social care at home system itself. During our inquiry we were unable to find a concise and clear explanation of the process that we were able to fully understand. Given that we spent many months exploring these issues we suspect that ordinary members of the public will certainly struggle. Given this difficulty and given that this is a requirement of the Act we ask that a simple map of the process is produced and published as soon as is reasonable.
- 4.4.3 The second issue is the provision of basic information about the service. While we recognise that everything that needs to be is published we also believe that this information could be presented in a simpler and more accessible way than through the use of fact sheets, as is currently the case. In the short term we suggest that a simple, short list of contacts is published on the website so that it can be downloaded and used in doctors' surgeries, by councillors etc. In the medium term we recommend that the website is redesigned following a review of user needs of the type conducted by the Government Digital Service. Such a review should also ensure that the needs of all communities in Swansea are being met particularly those BME communities that we understand are not accessing services to the same degree as others.
- 4.4.4 Third issue is that of active signposting that, again, is a requirement of the Social Services and Wellbeing (Wales) Act. This is clearly an issue that the Council has been working on and as a Panel we fully endorse the Community Connectors as a way to link older people to relevant initiatives in their communities. We also heard from the Carers Centre that the Connectors were a 'brilliant addition' and 'very effective'.
- 4.4.5 However, and while we recognise that this is a challenging issue, we believe that awareness of many services is still low. Members on the Panel, for example, were previously unaware of the SPICE project, provided through the health service, to support end of life care. While this is of course one anecdotal example we feel that steps need to be taken in order to ensure that awareness of services is widespread. We expect that future joint working with health will go some way to support this.
- 4.4.6 There is a wider point here about end of life care that we wish to stress. We are concerned that information about available services is not easy to access and we would urge the Cabinet Member to look into this as a matter of urgency.

- 4.4.7 While welcoming the Community Connectors initiative we wish to point to its limitations. It cannot be a replacement for other services and we do not expect that a large number of voluntary connectors will come forward to support the paid staff.
- 4.4.8 We also believe that more information needs to be provided about the Community Connectors themselves and that they could have better links with councillors and other 'unofficial' connectors. Our suggestion is that events are held regularly to allow relationships to be built in this regard.
- 4.5 *Make the most of the first contact*
- 4.5.1 We believe that support for independence should be the primary concern at in all aspects of the social care at home services and that this starts with the first contact. Currently this first contact is with the Council's Intake Team whose role is to assess the eligibility of potential new clients and either refer them into the system or signpost them elsewhere. We believe that this first contact could be made better.
- 4.5.2 First we think that the emphasis of the intake team could be shifted to more of an advice and signposting role. While this may mean added investment this could provide major support for prevention and reducing service demand if done well. We heard about Neath Port Talbot's placement of a voluntary sector advisor in their equivalent team, for example, and feel that this is an option worth pursuing. Such a team should be the single point of contact for all independence enquiries.
- 4.5.3 We would also suggest that the name of the team is changed. The current name of 'intake team' is far from user friendly and does not describe the kind of service we believe should be provided. Any new name should reflect that the team provides advice on independence issues first and foremost. This change would signal the new role and should provide a more positive face to the public.
- 4.5.4 We are concerned about the use of telephone assessments by the intake team. We do not think that these can be effective and in many cases may gather incorrect or insufficient information from unpaid carers or clients. The assessment process that the British Red Cross uses, for example, is face to face and seeks to build up an understanding of the person's issues and needs over more than one meeting. We appreciate that there may be cost implications associated with introducing such an approach but, as before, we feel this will lead to better outcomes and savings in the longer term.
- 4.5.5 To support such an approach it is important that those in the intake team have the right skills and training. One concern we had, for example, was the lack of qualified social workers in the intake team. This is an important issue given the nature of the assessments. We recommend therefore that the skills and training needs of the intake team are reviewed.
- 4.5.6 One further issue to note at this stage is the delays between assessment and brokerage. As mentioned above, people can wait up to seven weeks, and sometimes longer, from first contact to receiving their care package. We

would like to see the Cabinet Member undertake an urgent investigation of this issue to see what short term improvements might be made.

#### 4.6 *Roll out the Gower model*

- 4.6.1 One particularly positive development that we learnt about was the Integrated Gower Team. This is a pilot scheme that brings together Council domiciliary care staff with health professionals in order to support independence. We understand that further evaluation is being undertaken and we do not therefore want to go into too much detail. There are however some points that we would like to make.
- 4.6.2 The presentation that we received from those involved convinced us that the pilot is working very well and this is therefore an approach we want to endorse. It is an approach based on outcomes that uses face to face assessments and is open to anyone to 'refer in'. It is therefore consistent with other arguments in this report.
- 4.6.3 A clear strength of the model is the locality approach. The focus on localities for social care services is a Council policy commitment and rightly so. By focusing on one geographic area it allows for a more compact and cost effective service to be provided. Professionals working with the team are able to build up good local knowledge and understanding of the local community. The compatibility of this approach with the Community Connectors initiative is also obvious. Another opportunity associated with this approach is that of utilising unused community buildings and we urge the Cabinet Member to ensure this is looked into.
- 4.6.4 A second strength is the close interaction between different professionals particularly between council and health staff. We heard about a range of benefits associated with a multi agency team including shared knowledge, shared training and improved access between professionals. We welcome any initiatives that can foster closer working with health and particularly with GPs.
- 4.6.5 For these reasons we are pleased to hear about the development, through the Western Bay Regional Partnership, of an intermediate care tier. We believe that this scheme, funded through a Welsh Government grant, can offer citizens a simpler, more seamless way to access local health and social care services. Positive aspects of the scheme include the plans for a shared access point, three network hubs and multi agency teams as is the case in Gower.
- 4.6.6 In rolling out these plans we ask the Cabinet Member to ensure that local ward councillors are able to engage and contribute. Councillors have an important role in terms of signposting and advocacy and this needs to be recognised.
- 4.6.7 In terms of social care at home, however, the challenge for this model as it is rolled out, is that of working with external providers. Currently the Integrated Team provides care directly through council staff and, given the apparent

higher costs associated with Council compared with private provision, this will not be possible on a bigger scale.

#### *4.7 Work with external care providers as partners*

- 4.7.1 After listening to the views of external providers we believe that they can have a positive role not just in delivering the service but in improving it as well. We wish to acknowledge the difficulties that these providers have given the low hourly rates paid by the local authority and the fact that these rates have not increased over a number of years.
- 4.7.2 We were impressed that the private providers were interested in the wellbeing of their clients and the quality of the service as much as any potential profit. There was a general feeling among the external providers that we spoke to that the delays between assessment and brokerage were too long and that the time and task system needed to be replaced by an outcomes approach. As a Panel we endorse the policy commitment to put 'public interest above private profit' in this context but do not see the pursuit of private profit as being of major concern.
- 4.7.3 We were concerned to hear that the external providers felt that the local authority did not listen to their concerns and that communications with social workers seemed to be poor. We believe that an effective transformation of the service will require meaningful input from all stakeholders. We recommend, therefore, that the Cabinet Member looks at good practice examples such as Thurrock and Wigan where aspects of the service have been co-designed with the providers.

#### *4.8 Invest in the paid carers*

- 4.8.1 The quality of the social care at home service and the effective of prevention and independence initiatives will be dependent upon the staff working with older people on the frontline. Decent pay and conditions as well as appropriate training for paid carers, regardless of employer, are a pre condition of an effective service.
- 4.8.2 As a Panel we want to acknowledge that providing social care at home can often be a difficult job in difficult circumstances. This is a role that attracts neither the recognition nor the rewards that it deserves. We note that one of the fundamentals of the TASS programme is a new model of social work. We suggest that there also needs to be a new model of social care work. We hope that this is an issue that can be picked up by the Cabinet Member.
- 4.8.3 One further cause for concern is the difference in pay and conditions between the Council and other providers when it comes to paid carers. External providers told us that it was difficult to retain staff when positions at the Council were more attractive. While we are certainly not suggesting that Council conditions are reduced we do recognise that this difference causes a staff retainment problem that is ultimately detrimental to the quality of care provided.

- 4.8.4 Linked to this we wish to highlight the difficulties we had in obtaining detailed information about how the costs for paid carers were broken down. We had difficulty in particular clarifying how travel costs in different areas affected the rates for council paid staff and this made it difficult to get a true picture of the difference between council and external provision.
- 4.8.5 We heard evidence from UNISON about their ethical care charter that seeks to ensure that staff are able to provide quality care. We believe that the charter is entirely consistent with the principles set out in this report and would therefore urge the Cabinet Member to consider whether the Council could sign up. At the same time we believe that all care staff, whether employed by the Council or otherwise, should be entitled to a living wage. We would ask that this point is also considered by the Cabinet Member.
- 4.8.6 On the issue of zero hours contracts the Panel felt that, broadly speaking, they should not be used if possible. However, while some Panel members wished to see the use of such contracts ruled out in any circumstance, others felt that there were occasions when they could be of benefit to both employer and employee.
- 4.9 *Care for the unpaid carers*
- 4.9.1 Beyond the paid carers we need to recognise the army of family, friends, neighbours and other volunteers who make independent living possible for many older people. These unpaid carers also need support if they are to continue caring.
- 4.9.2 The recently introduced focus on unpaid carers in the assessment process is a positive step that we would like to recognise. We also heard from the Carers Centre that the intake team were 'excellent to deal with' in this regard. However, the 'pre-set script' used by the team was raised as a limitation especially when carers were talking to the team directly. As with client assessments we believe that face to face conversations will always be preferable to phone contact and checklists. A concern we identified is that carers often feel guilty about asking for help because that could suggest that they cannot cope, and this does not get picked up by phone.
- 4.9.3 While we welcome the introduction of assessments for all carers we heard some evidence to suggest that not all carers are being assessed and that not all annual reassessments are being carried out. We therefore ask that the Cabinet Member checks the extent to which this is the case.
- 4.9.4 One important issue raised by the Carers Centre was that of respite and the closure of day centres. We recognise that the provision of day centres and similar services has a double benefit. They not only provide a benefit for the older people that attend them but also provide an often essential break for their unpaid carers. We urge the Cabinet Member to consider this when making decisions about such services in future.
- 4.9.5 Unpaid carers are important stakeholders and need to be involved in improving the service. We understand that the Council already has



arrangements for consulting and involving unpaid carers and we hope that these continue to be utilised and enhanced.

4.9.6 We support the Council's relationship with the Carer's Centre and hope that it can continue to be meaningful. We also recognise, however, that this organisation does not represent all carers and that the the Council needs to ensure that consultation and engagement is advertised more widely.

#### *4.10 Ensure that the voices of older people can be heard*

4.10.1 Having discussed various stakeholders in the social care at home system we now come to the most important group of all – the older people who receive the service. Ensuring that older people have a voice in the system is another clear requirement of the Social Services and Wellbeing (Wales) Act 2014. We spoke to a small number of older people both in day care settings and in their own homes. While this was too small a sample from which general conclusions can be reached, combined with the rest of the evidence we collected it allows a number of conclusions to be reached.

4.10.2 Two routes through which the voice of older people can be heard are advocacy and complaints. We believe that, for the system to be effective, both routes need to be working well.

4.10.3 Advocacy means having someone on your side; someone who can represent you views and interests, access information for you and make sure your rights are being defended.

4.10.4 We fully support the advocacy work being conducted in the voluntary sector by organisation such as Age Cymru Swansea Bay and the Carers Centre. We hope that advocacy initiatives such as these can be supported and maintained. The presentation we heard from the British Red Cross suggested that all of their work contained an element of low level advocacy. We believe that this principle could be extended as the social care at home service is developed so that advocacy for older people is everybody's business.

4.10.5 We heard from Age Cymru Swansea Bay that they had received such a high number of concerns that they are now about to embark upon a campaign to highlight complaints made about domiciliary care. Most of the concerns have been in relation to cuts in time spent with clients associated with 'time and task'.

4.10.6 We found it difficult to understand the complaints system and in particular found it unhelpful that a different process existed depending on whether someone received their care from the council or from an external provider. We note, however, that people have the choice of which complaints process to use. We were also concerned that information about complaints did not seem to be routinely shared between different parts of the system. In particular we think that social services should be aware of all relevant complaints. We believe, therefore, that the complaints system should be subject to a wider, more detailed review than we are able to provide while appreciating that national bodies such as CSSIW would need to be involved. In the short term we ask the Cabinet Member to review the information

provided to the public about making a complaint to ensure that it is fit for purpose.

#### *4.11 Build a 'community of support'*

- 4.11.1 During the course of our inquiry we spoke to a wide range of people all of whom had a genuine commitment to providing the best for our older people and all of whom recognised the importance of supporting older people to be independent on their own terms.
- 4.11.2 What is missing, we feel, is a strong sense of community amongst the various stakeholders in the system. We also came across stakeholders who felt that communication with the council could be improved or that they were not being listened to.
- 4.11.3 We believe that it will only be possible to achieve the system we need to support independence for older people if all stakeholders are actively involved in building it. To this end we propose that the Cabinet Member actively builds a 'community of support' around social care at home services. We suggest, as a first step, that a conference is held for all stakeholders, including councillors and trade unions, to discuss how we support older people and to jointly establish some principles going forward. Trafford Council provides an example of this type of approach.

## 5 RECOMMENDATIONS

The Panel commends Cabinet to consider all issues and ideas raised by this inquiry and, in particular, the recommendations set out below.

The Panel recognises that the Authority

- (a) will need to ensure that any subsequent actions are legal and meet the requirements of any relevant legislation;
- (b) has a responsibility to make the best use of limited resources and that any additional costs will need to be considered carefully as part of the annual budget setting process.

The Panel has kept these principles in mind in the course of its investigations.

### **The Panel recommends that Cabinet:**

#### *5.1 Long term challenges*

- 5.1.1 Expands and enhances the reablement service
- 5.1.2 Moves the social care at home service from 'time and task' to an outcome based system
- 5.1.3 Implements the Gower model across the Swansea area as planned
- 5.1.4 Protects day centres and respite services wherever possible

#### *5.2 Medium term improvements*

- 5.2.1 Includes social contact as an element of care plans
- 5.2.2 Includes cleanliness and hygiene as an element of care plans
- 5.2.3 Undertakes a review of the information provided on the Council's website with carers and service users
- 5.2.4 Expands the role of the intake to team to be an 'independence advice team'
- 5.2.5 Reviews the assessment process including the training needs and qualifications of the Intake Team
- 5.2.6 Ensures that local ward councillors are effectively engaged in locality approaches such as the Gower Model
- 5.2.7 Involves external providers when any significant aspects of the service are redesigned
- 5.2.8 Adopts and implements the UNISON Ethical Care Charter
- 5.2.9 Stipulates living wage in contracts
- 5.2.10 Reviews the use of zero hours contracts

5.2.11 Holds a stakeholder conference for all partners and providers to discuss the future of social care at home and shared principles going forward – models of home care

### 5.3 *Quick wins*

5.3.1 Publishes a simple 'map' of the home care process on the Council's website that can be downloaded and printed

5.3.2 Provides a simple up to date list of who to contact when you need help on the Council's website that can be downloaded, printed and circulated

5.3.3 Ask the Health Board to review the system for providing basic support items e.g. incontinence pads

5.3.4 Holds local events for community connectors to network with councillors and other informal connectors

5.3.5 Investigates the delays between assessment and brokerage while broader changes are being considered

5.3.6 Checks whether all unpaid carers are receiving their assessments and annual reviews

5.3.7 Ensure that complaints information is easy to find on the Council website

## **6 FURTHER SCRUTINY NEEDED**

As well as our recommendations for the Cabinet we have also come across a number of issues that we believe may require further scrutiny. We propose to the Scrutiny Programme Committee, therefore, that it examines:

- 6.1.1 The break down of costs for the Council associated with directly providing paid care and why these differ from the costs associated with external providers
- 6.1.2 Alternatives to residential and home care and how the Council might provide these alternatives
- 6.1.3 The brokerage system for social Care at home (should the time and task approach be retained)
- 6.1.4 Social Care at Home for groups of people other than older people

## 7 ACKNOWLEDGEMENTS

The Panel is very grateful to everyone who contributed to the inquiry.

Particular thanks go to the service users and their carers who kindly allowed panel members to talk to them in their homes and to the service users and staff at Norton Lodge Day Centre and Rose Cross Day Centres.

Also to Nicola Russell-Brooks (Age Cymru Swansea Bay) who acted as an expert witness for a number of the evidence gathering sessions.

The Panel would like to thank Councillor Mark Child (Cabinet Member for Wellbeing), Carol Rea, Director of Adult Services, Paul Littlewood, Senior Principal Officer and Fiona Broxton, Contracting Officer, for all of their help and for the information provided.

The Panel would like to record its thanks to the following people who came and gave evidence:

Ali Williams (Contracting Manager, Social Services)  
Alison Ransome, Community Nursing Network Manager (ABMU)  
Alison Thomas (Alpha Homecare)  
Amanda Lince (Crosshands Home Services)  
Anne Williams (50+ Network CCOS)  
Bill Williams (UNISON)  
David Tovey (Coastal Housing)  
Deborah Denis (Intake Team Manager)  
Emma Lewis (Village Homecare)  
Helen Carmichael (Aylecare Nursing Services)  
Ian Millington (GP)  
Jan Worthing (ABMU)  
Janet Hooper (Directorate Lawyer-Social Services & Education)  
Janet John, Senior Services Manager (British Red Cross)  
Julia Crawley (Principal Officer Community and Intermediate Care)  
Karen Gronert (ABMU Health Board)  
Kathryn Chapman, Deputy Director (Swansea Carers Centre)  
Linda Hughes (Senior Care Worker), Carol Rea, Head of Adult Services  
Mark Hopkins (Family Housing Association)  
Mark Parker (Home Care)  
Mary Pitson (CEX Age Cymru Swansea Bay)  
Rachel Brooks (Lawyer)  
Shirley Bowen, Director (Swansea Carers Centre)  
Stephen Francis (Home Comforts)  
Stuart Bryce-Jones (Alpha Homecare)

## **8 ABOUT THE INQUIRY PANEL**

The **Social Care at Home Scrutiny Inquiry Panel** is a team of Councillors who are not members of the Cabinet. Their role is to examine a strategic issue of concern and to make recommendations about how policies and services can be improved.

### **Members of the Panel**

Uta Clay (Convener)

Jane Harris (Convener until September 2014)

Ann Cook

Jan Curtice

Chris Holley

Paxton Hood-Williams

Lynda James

Yvonne Jardine

Susan Jones

David Lewis

Hazel Morris

Gloria Tanner

Ceinwen Thomas

Linda Tyler-Lloyd

The inquiry was supported by Juliet Rees, Rosie Jackson and Dave Mckenna from the Council's Scrutiny Unit.


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**Scrutiny Inquiry of Social Care at Home–  
Cabinet Action Plan for Supporting Older People to Remain in their Own Homes**

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer
<p>1. <b>Recommendation 1</b> Expands and enhances the reablement service <b>Outcome</b> <b>Timeframe:</b></p>	<p>Implementation of the Intermediate Care Fund has resulted in additional people receiving reablement and an increase in the number of beds in Bonymaen residential homes with dedicated support from nurses, therapists and social workers. Training has been provided for the statutory and private sector.</p> <p>Electronic Call Monitoring and a new management structure along with proper therapy led Reablement programmes in the Integrated Care Teams will improve outcomes for people and increase our ability to respond in a more timely way.</p>	<p>Evaluate need for an out of hours reablement service and redevelop commissioning approaches and training programmes to improve access and ensure that skills are developed across the statutory and private sectors.</p> <p>Review the functions and roles of the current reablement service as part of the commissioning review of domiciliary care and to address hospital discharge pressures.</p>	<p>The work plan for this will be the next 12 months</p> <p>December 2015</p>	<p>Head of Integrated Community Services</p> <p>Head of Integrated Community Services</p>
<p><b>COMPLETED – Progress:</b></p>				



Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
2.	<p><b>Recommendation 2</b> Moves the social care at home service from “time and task” to an outcome based system. <b>Outcome:</b> <b>Timeframe:</b></p>	<p>An initial workshop, facilitated by APSE and attended by key stakeholders, has been held to develop a scope for a commissioning review of domiciliary care. A recent Provider Forum has been used to consult with existing domiciliary care providers on alternative models of delivery (including outcomes based delivery models) and to identify examples of best practice elsewhere to inform practice and the commissioning review.</p>	<p>Conclude commissioning review of domiciliary care, which has, as its scope, the reshaping and remodelling of domiciliary care services.</p>	<p>Commissioning review Timescale is November 2015.</p>	<p>Head of Adult Services &amp; Commissioning Officer Domiciliary Care</p>
<b>COMPLETED – Progress:</b>					
3.	<p><b>Recommendation 3</b> Implements the Gower model across the Swansea area as planned <b>Outcome:</b> <b>Timeframe:</b></p>	<p>The Integration of Health and Social Care now means that Integrated Community Services are being delivered geographically across the 3 hubs of Swansea, Central, North and West.</p>	<p>To effectively monitor and review impact of integrating services geographically, and on staff, to ensure the integrated services deliver outcome based services that promote safe health and social independence.</p>	<p>Ongoing</p>	<p>Head of Integrated Community Services</p>
<b>COMPLETED – Progress:</b>					

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer
<p>4</p> <p><b>Recommendation 4</b> Protects day centres and respite services wherever possible <b>Outcome:</b> <b>Timeframe:</b></p>	<p>Both Day services and respite services are subject to ongoing review although priority has been given for the next 6 months to a review of domiciliary care services</p>	<p>Review day services and respite services as part of phase II of the commissioning review.</p>	<p>Start c. November 2015</p>	<p>Head of Adult Services &amp; PO Service Provision</p>
<p><b>COMPLETED – Progress:</b></p>				
<p>5.</p> <p><b>Recommendation 5</b> Includes social contact as an element of care plans <b>Outcome:</b> <b>Timeframe:</b></p>	<p>Social Contact should be included in care plans where required. Council signposts to a number of befriending schemes to promote social contact. New service developed in conjunction with a voluntary sector organisation to reduce isolation. Local Area Coordinators and Community Connectors are increasingly contributing to the development and support of these social support systems.</p>	<p>Continue to signpost and make use of Local Area Coordinators and Community Connectors to develop and grow voluntary support.  Subject to the outcome of the Intake Team review, amend staff composition to create a multi disciplinary team to signpost appropriately.</p>	<p>Ongoing</p>	<p>PO Prevention &amp; Wellbeing</p>
<p><b>COMPLETED – Progress:</b></p>				
<p>6.</p> <p><b>Recommendation 6</b> Includes cleanliness and hygiene as an element of care plans. <b>Outcome:</b></p>	<p>Cleanliness and hygiene are included in care plans where required in order for an individual to achieve their desired outcomes.</p>	<p>Will form part of service specification arising from the commissioning review of domiciliary care services which includes personal and</p>	<p>November 2015</p>	<p>Head of Adult Services &amp; Commissioning Officer Domiciliary Care</p>

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
	<b>Timeframe:</b>		practical care in its scope.		
<b>COMPLETED –</b>  <b>Progress:</b>					
7.	<b>Recommendation 7</b> Undertakes a review of the information provided on the Council’s website with carers and service users. <b>Outcome:</b> <b>Timeframe:</b>	The City & County of Swansea website has been updated and re-launched (September 2014). Consultation with existing and potential clients and carers on the content and accessibility of the Social Services web content is ongoing.	To continue to monitor and review information on the Council’s website to ensure that there is sufficient detail written in a form that is accurate, accessible to everyone, and offers links and signposts to alternative support websites.	Ongoing	Corporate Communications & Public Information Officer
<b>COMPLETED –</b>  <b>Progress:</b>					
8.	<b>Recommendation 8</b> Expands the role of the intake team to be an “independence advice team”. <b>Outcome:</b> <b>Timeframe:</b>	-	An in depth review of the current Intake function will be undertaken to ensure that it is ‘fit for purpose’ and delivers on the prevention strategy.	August 2015	Head of Adult Services & PO Prevention & Wellbeing
<b>COMPLETED –</b>  <b>Progress:</b>					
9.	<b>Recommendation 9</b> Reviews the assessment process including the	A third sector broker has been recruited and sits within the Intake Team to signpost individuals to the	An in depth review of the current Intake function will be	August 2015	Head of Adult Services & PO Prevention &

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer
training needs and qualification of the Intake Team <b>Outcome:</b> <b>Timeframe:</b>	voluntary sector. This role will be evaluated and the impacts realised prior to November 2015.  Three social workers have been placed back into hospitals to undertake assessments and reduce delayed transfers of care.	undertaken to ensure that it is 'fit for purpose' and delivers on the prevention strategy.  Consideration be given to the inclusion of duty Health and Social Care Professionals within the Intake Team.		Wellbeing & Head of Integrated Community Services
<b>COMPLETED – Progress:</b>				
10. <b>Recommendation 10</b> Ensures that local ward councillors are effectively engaged in locality approaches such as the Gower Model <b>Outcome:</b> <b>Timeframe</b>	The Integration of Health and Social Care now means that Integrated Community Services are being delivered geographically across the 3 hubs of Swansea, Central, North and West.	To arrange a presentation for Councillors on the new Integrated Community Services and the plans that are in place regarding the continuing evaluation of outcomes.	No later than September 2015	Head of Integrated Community Services
<b>COMPLETED Progress:</b>				
11. <b>Recommendation 11</b> Involves external providers when any significant aspects of the service are redesigned <b>Outcome</b> <b>Timeframe:</b>	An initial workshop, facilitated by APSE and attended by key stakeholders, has been held to develop a scope for a commissioning review of domiciliary care.  A recent Provider Forum has been used to consult with existing	Commissioning review to consult with stakeholders including staff and managers and/or their representatives throughout the review process.	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer
		domiciliary care providers on alternative models of delivery and to identify examples of best practice elsewhere to inform the commissioning review.		
<b>COMPLETED</b> <b>Progress:</b>				

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
12	<p><b>Recommendation 12</b> Adopts and implements the UNISON Ethical Care Charter</p> <p><b>Outcome:</b></p> <p><b>Timeframe:</b></p>	<p>Consultation commenced with key stakeholders on implications of adopting Unison's Ethical Care Charter.</p>	<p>Subject to further discussions, incorporate agreed aspects of Unison's Ethical Care Charter in the commissioning review of domiciliary care in order to develop sustainable service delivery and procurement models for domiciliary care.</p> <p>Continued monitoring of domiciliary care against agreed standards, developed as part of the commissioning review of domiciliary care, to ensure that care delivered, is of a quality standard and is provided by staff who have the skills to deliver the service and that feel that the</p>	November 2015	Director of People Chief Operating Officer, Social Services

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
		job they do is valued.			
<b>COMPLETED – Progress:</b>					
13.	<b>Recommendation 13</b> Stipulates living wage in contracts <b>Outcome:</b> <b>Timeframe:</b>	Survey conducted with existing domiciliary care providers to establish current rates of pay of care workers in the sector. Consultation with existing providers on relationship between procurement methods, the terms and conditions of care staff and the recruitment and retention of those staff in the sector. Consultation commenced with key stakeholders on implications of adopting Unison's Ethical Care Charter.	To incorporate the implications of adopting Unison's Ethical Care Charter in the commissioning review of domiciliary care in order to develop sustainable service delivery and procurement models for domiciliary care.	November 2015	Director of People Chief Operating Officer, Social Services
<b>COMPLETED – Progress:</b>					
14	<b>Recommendation 14</b> Reviews the use of zero hours contracts <b>Outcome:</b> <b>Timeframe:</b>	Survey conducted with existing domiciliary care providers to establish current usage of zero hours contracts. Consultation with existing providers on relationship between procurement methods and the terms and conditions of care staff and the recruitment and retention	To incorporate the findings in respect of the use of zero hours contracts in the commissioning review of domiciliary care in order to develop sustainable service delivery and procurement models for	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
	of those staff in the sector. Consultation commenced with key stakeholders on implications of adopting Unison's Ethical Care Charter.	domiciliary care.			
<b>COMPLETED – Progress:</b>					
15.	<b>Recommendation 15</b> Holds a stakeholder conference for all partners and providers to discuss the future of social care at home and shared principles going forward- models of home care. <b>Outcome:</b> <b>Timeframe:</b>	APSE workshop held to develop the scope of a commissioning review of domiciliary care.  Provider Forum used to consult with existing providers on alternative models of service delivery.	Commissioning review to consult with stakeholders and/or their representatives throughout the domiciliary care review process.	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care
<b>COMPLETED – Progress:</b>					
16.	<b>Recommendation 16</b> Publishes a simple “ map “ of the home care process on the Council's website that can be downloaded and printed . <b>Outcome:</b> <b>Timeframe:</b>	New domiciliary care project group to streamline internal processes and improve existing care pathways.	Develop simple user-friendly map of home care process following the interim revision of care pathways in to a domiciliary care service.  Once the commissioning review of domiciliary care, which incorporates Carers in	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
			its scope, is concluded review and update map accordingly.		
<b>COMPLETED – Progress:</b>					
17.	<p><b>Recommendation 17</b> Provide a simple up to date list of who to contact when you need help on the Council’s website that can be downloaded , printed and circulated..</p> <p><b>Outcome:</b> <b>Timeframe:</b></p>	<p>The City &amp; County of Swansea website was re-launched in September 2014 post evidence gathering by the Social Care At Home Scrutiny Inquiry Panel. There is a list, as described in the report available at <a href="http://www.swansea.gov.uk/contact/socialservices">http://www.swansea.gov.uk/contact/socialservices</a></p>	To continue to monitor and review information on the Council’s website to ensure that there is sufficient detail written in a form that is accurate, accessible to everyone, and offers links and signposts to alternative support websites.	Ongoing	Corporate Communications & Public Information Officer
<b>COMPLETED – Progress:</b>					
18.	<p><b>Recommendation 18</b> Ask the Health Board to review the system for providing basic support items eg. Incontinence pads.</p> <p><b>Outcome:</b> <b>Timeframe:</b></p>	<p>The integration of Community Services, bringing together Health and Social Care, has resulted in a new referral process via the Intake Team.</p> <p>Continance products are currently assessed and prescribed by a district nurse and more complex continence issues are managed by the HB wide Continance service. There are no proposed changes to this process at this point</p>	Monitor and review the effectiveness of the new referral process and service.	Ongoing	Head of Integrated Community Services



Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
<b>COMPLETED – Progress:</b>					
19.	<b>Recommendation 19</b> Holds local events for community connectors to network with councillors and other informal connectors <b>Outcome:</b> <b>Timeframe:</b>	Community Connectors already hold local networking meeting which local councillors have been invited to, albeit not routinely or across all areas	Ensure that councillors and other informal connectors are invited routinely to local network meetings.  Focus on co-ordinating activities across the range of voluntary agencies to ensure that there are an appropriate variety of places, groups and activities for users to be involved in, further develop, and maintain.	Ongoing	Head of Prevention & Wellbeing Local & Local Area Coordination Implementation Manager
<b>COMPLETED – Progress:</b>					
20.	<b>Recommendation 20</b> Investigates the delays between assessment and brokerage whilst broader changes are being considered. <b>Outcome:</b> <b>Timeframe</b>	New dom care project group is looking to reduce delays in an individual's care pathway.	Conclude commissioning review of domiciliary care, which has, as its scope, the reshaping and remodelling of domiciliary care services.  In the interim, amend pathway into a domiciliary care service to incorporate findings from the domiciliary care project group to reduce unavoidable delays.	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care
<b>COMPLETED</b>					

Recommendation	Action already being undertaken	New Action Proposed	Timescale	Responsible Officer	
<b>Progress:</b>					
21.	<b>Recommendation 21</b> Check whether all unpaid carers are receiving their assessments and annual reviews <b>Outcome:</b> <b>Timeframe:</b>	Research into Carers and their Caring Role is underway.	Conclude commissioning review of domiciliary care which incorporates Carers in its scope. Review of information on the web site will be pursued using information from new research if necessary.	November 2015	Head of Adult Services & Commissioning Officer Domiciliary Care
<b>COMPLETED – Progress:</b>					
22.	<b>Recommendation 22</b> Ensure that complaints information is easy to find on the Council website <b>Outcome:</b> <b>Timeframe:</b>	The City & County of Swansea website has been updated and re-launched (September 2014).  The Corporate Complaints Process was reviewed and a new policy ratified by Cabinet in March 2015 which meets the new Social Services Complaints regulations.	Discussion to be had between Complaints Manager and Webmaster regarding ownership and administration of all complaints pages.  Ongoing monitoring and review of accessibility of complaints information on the Council's website.	September 2015	Corporate Complaints Manager
<b>COMPLETED – Progress:</b>					

## Report of the Cabinet Member for Wellbeing and Healthy City

Cabinet – 20 August 2015

### REVIEW OF THE GAMBLING POLICY

<b>Purpose:</b>	To seek agreement for the draft of the revised Gambling Policy, for the period January 2016 to January 2019, to be issued for consultation.
<b>Policy Framework:</b>	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
<b>Reason for Decision:</b>	To comply with the requirements of the Gambling Act 2005 and to publish the policy by the required date of 31 <sup>st</sup> January 2016.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation:</b>	It is recommended that:  Cabinet approves the draft of the revised Gambling Policy attached at Appendix A, to be issued for consultation.
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Lyndsay Thomas
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.
- 1.2 The current Gambling Policy was adopted at Council on 20<sup>th</sup> December 2012 for publication in January 2013.

1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31<sup>st</sup> January 2016.

## **2.0 The Gambling Policy**

2.1 The Gambling Policy must comply with the requirements of the Act. Account should also be taken of guidance issued by the Gambling Commission. (The Guidance)

2.2 The Guidance was first issued in April 2006 and has subsequently been revised. The latest version (5<sup>th</sup> edition) was issued in March 2015.

## **3.0 Proposed Changes to the Policy**

3.1 A copy of the draft of the revised Policy is attached at Appendix A to this report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.

3.2 The majority of the Policy has not been changed. Where changes have been made, these are to reflect the changes made to The Guidance and also to provide clarification in respect of specific matters.

3.3 The main changes proposed are:

§ The Document has been renumbered.

§ A paragraph has been added in respect of when amendments may be made to the policy without the need for consultation. (Paragraph 2.3, page 4)

§ A paragraph has been added identifying when the Licensing Authority may depart from the Policy. (Paragraph 2.5, page 4)

§ A change has been made in respect of the body designated as competent to advise the Licensing Authority about the protection of children from harm. (Paragraph 5.2, page 6)

§ A paragraph has been added in respect of partnership working to promote the delivery of the licensing objectives. (Paragraph 7.3, page 8)

§ Paragraphs have been added in respect of a risk based inspection programme. (Paragraphs 9.6 & 9.7, pages 9 & 10)

§ A paragraph has been added confirming the fundamental rights of applicants, responsible authorities and interested parties. (Paragraph 10, page 10)

§ A paragraph has been added in respect of integrating strategies. (Paragraph 11, page 10)

- § A paragraph has been added in respect of a new requirement that operators consider local risks. (Paragraph 12.5, page 11)
- § A paragraph has been added in respect of the grant of a premises licence. (Paragraph 14.3, page 12)
- § A paragraph has been added clarifying the difference between betting machines and gaming machines. (Paragraph 24.5, page 20)
- § A paragraph has been added in respect of adult gaming provided as supplementary activity to the main purpose in premises. (Paragraph 26.3, page 22)
- § Paragraphs have been added detailing the measures the Licensing Authority may consider to meet the licensing objectives in respect of Adult Gaming Centres and Licensed Family Entertainment Centres (FECs). (Paragraphs 26.4 & 27.3, pages 22 & 23)
- § A paragraph has been added confirming the procedure the Licensing Authority will follow in respect of Category C gaming machines in licensed FECs. (Paragraph 27.4, page 23)
- § A paragraph has been added defining Travelling Fairs (Paragraph 28.1, page 23)
- § Additional information has been added in respect of a review of a premises licence. (Paragraph 30, pages 24 & 25)
- § A paragraph has been added defining Unlicensed Family Entertainment Centres. (Paragraph 32.3, page 26)
- § Additional information has been added in respect of Alcohol Licensed Premises. (Paragraph 33, pages 26, 27 & 28)
- § A paragraph has been added defining Equal Chance Gaming. (Paragraph 34.1, page 28)
- § A paragraph has been added in respect of Club Gaming Permits (Paragraphs 34.2 & 34.3, page 28)
- § A paragraph has been added in respect of Prize Gaming (Paragraph 35.1, page 29)
- § A paragraph has been added in respect of objections to Occasional Use Notices (Paragraph 37.2, page 30)

- § Information has been added in respect of the Licensing Objectives (Paragraph 39, pages 30,31, 32 & 33)
- § Information on local risk assessments for operators has been added. (Paragraph 40, page 33)
- § Information in respect of a new concept of local area profiles has been added. (Paragraph 41, pages 34)
- § Additional information in respect of decision making has been added. (Paragraph 42, page 34 & 35)
- § Details of the appeal procedure for parties aggrieved by decisions of the Licensing Authority have been added. (Paragraph 43, page 35)
- § Information on the Licensing Authority providing reasons for decisions has been added. (Paragraph 44, page 35)
- § Information in respect of the Licensing Authority implementing Magistrate Court decisions has been added. (Paragraph 45, page 35 & 36)
- § Details of how the Licensing Authority will deal with concerns in respect of licensed premises have been added. (Paragraph 46, page 36)
- § A paragraph has been added in respect of encouraging operators to develop an information sharing network. (Paragraph 47, page 36)
- § Changes have been made to the list of consultees (Appendix B, page 39)
- § Changes have been made to the bullet points in the table (Appendix C, page 40)

#### **4.0 Local Area Profiles**

- 4.1 The Guidance introduces the concept of a local area profile (LAP). This is a means for Licensing Authorities to map out local areas of concern. The purpose of a LAP is to provide both licensing authorities and operators with a greater awareness of areas and the risk they present. There is no requirement for an authority to have a LAP or, if they have a LAP, for it to be included in the policy.
- 4.2 The Guidance considers that an effective LAP is likely to take account of a wide range of factors, data and information held by the Licensing Authority and its partners. The Guidance states that an important

element of preparing the LAP is proactive engagement with relevant partners that can have an input into mapping local risks in the area. As this is a new concept, work to consider the development of a LAP for the City and County of Swansea is in the very early stages.

- 4.3 Where the Licensing authority develops a LAP, this will be contained in a separate document and made available in conjunction with the Policy. This will allow the document to be developed and amended without the need for full consultations.

## **5.0 Equality and Engagement Implications**

- 5.1 An Equalities Impact Assessment (EIA) Screening Form has been completed with the agreed outcome that a full EIA report was not required.

## **6.0 Financial Implications**

- 6.1 There are no financial implications associated with this report.

## **7.0 Legal Implications**

- 7.1 It is a legal requirement that the Policy is reviewed every three years.
- 7.2 The Act, statutory guidance and statutory instruments set out requirements regarding the form and content of the policy.

**Background Papers:** Gambling Commission guidance to licensing authorities (5<sup>th</sup> edition).

**Appendices:** Appendix A – Draft Gambling Policy.

**CITY AND COUNTY OF SWANSEA**

**STATEMENT OF PRINCIPLES**

**GAMBLING ACT 2005**

***(GAMBLING POLICY)***

**DRAFT**



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THE CITY AND COUNTY OF SWANSEA

# CITY AND COUNTY OF SWANSEA

## GAMBLING POLICY

JANUARY 2016 – JANUARY 2019

### Foreword

The City and County of Swansea is responsible under the Gambling Act 2005 (the Act) for licensing premises and issuing permits and authorisations for the temporary use of premises, amongst other matters. The Licensing Authority is also required to prepare and publish **a statement of the licensing principles that they propose to apply in exercising their functions under the Act. This is known as the Gambling Policy (the Policy).** The **Policy** must be reviewed every three years.

This Policy is intended to assist applicants, residents, local businesses, statutory consultees and Licensing Committees in their decision making role.

### 1.0 Licensing Objectives

1.1 Licensing Authorities when exercising their functions under the Act must have regard to the licensing objectives. These are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 The **Licensing Authority** is aware that in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- in accordance with the Authority's Policy; and
- Reasonably consistent with the licensing objectives.

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## 2.0 Introduction

- 2.1 The City and County of Swansea is the Licensing Authority under the Act.
- 2.2 The Policy must be published at least every three years. This Policy will come into effect on the 31<sup>st</sup> January 2013 **2016** and will have effect until 30<sup>th</sup> January 2016 **2019**. The policy can be reviewed from “time to time” and any amended parts consulted upon. The policy must then be re-published.
- 2.3 ***Where updates are required due to changes in national legislation, statutory guidance or contact details, the Licensing Authority reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.***
- 2.4 The Licensing Authority declares that this policy has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission (The Guidance), the licensing objectives in the Act and any responses from those consulted. All references to the Guidance refer to the Guidance published in **March 2015**.
- 2.5 ***The Licensing Authority acknowledges that it may need to depart from this Policy and from the Guidance in individual and exceptional circumstances and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.***
- 2.6 ***This policy was approved at a meeting of Council on (DATE TO BE INSERTED) and was published on (DATE TO BE INSERTED).***

This Policy is available on the City and County of Swansea website at [www.swansea.gov.uk](http://www.swansea.gov.uk)

## 3.0 The City and County of Swansea

- 3.1 The City and County of Swansea covers an area of 378 kilometres (146 square miles), has a population of **239,022** people and is Wales’ second largest city. Some two-thirds of the County’s boundary is with the sea. The City and County of Swansea can be broadly divided into 4 physical areas. In the north, the Lliw Uplands present an open moorland feature; the Gower Peninsular in the west, a rural landscape with contrasting coasts and a collection of small villages; the urban and

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suburban centre stretching from Swansea to Gorseinon and Pontarddulais; and the coastal strip around Swansea Bay, no more than 2 miles in width.

- 3.2 The urban area of the City and County is chiefly focused on Swansea and radiates to the west and north of the city centre around Swansea Bay to Mumbes; over Townhill to Cwmbwrla, Treboeth, Fforestfach and Penlan; through Uplands, Sketty, Killay and Dunvant; along the Swansea Valley communities of Hafod, Landore, Plasmarl, Morryston to Clydach; and on the east side of the River from St Thomas to Bonymaen, Llansamlet and Birchgrove.
- 3.3 The second urban focus centres on the Gowerton, Gorseinon and Loughor triangle, along with the nearby communities of Pontarddulais and Penllergaer.
- 3.4 The City and County of Swansea is served by 24 community councils.
- 3.5 A map of the Council area is attached at Appendix A.

#### **4.0 Consultees**

- 4.1 The **Licensing Authority** consulted widely on this statement between [INSERT DATES] before finalising and publishing. **The following were consulted:-**
- South Wales Police;
  - Representatives of persons carrying on gambling businesses within the **Licensing Authority's** area who will be affected by this Policy;
  - Persons/bodies representing the interests of persons likely to be affected by the exercise of the **Licensing Authority's** functions under the Act and by this Policy.
- 4.2 A full but not exhaustive list of consultees is shown at Appendix B.

#### **5.0 Responsible Authorities**

- 5.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

5.2 In accordance with the Guidance, *the Licensing Authority* designates ~~Local Safeguarding Children Board~~ **Child and Family Services of the City and County of Swansea** for this purpose.

5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.swansea.gov.uk](http://www.swansea.gov.uk).

## 6.0 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

6.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities, or;
- c) represents persons who satisfy paragraph (a) or (b)"

6.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

6.4. The principles are:

- Each case will be decided upon its merits;
- The Licensing Authority will not apply a rigid rule to its decision-making;
- The Licensing Authority will consider the examples of considerations provided in the Guidance;
- Decisions on premises licences and temporary use notices, will be made in accordance with Guidance;
- The Licensing Authority will, in accordance with the Guidance, ensure that the phrase "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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- 6.5 The Guidance states that those representing persons living close to premises or who have business interests could include trade associations, trade unions, residents' and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 6.6 Interested parties can be persons who are democratically elected such as Councillors, Welsh Assembly Members and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor etc represents the Ward likely to be affected. Likewise, Parish Councils, likely to be affected will be considered to be interested parties. Other than these persons, the Licensing Authority will generally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 6.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Division. Contact details are provided at paragraph 48 below.

## **7.0 Licensing Authority Functions**

- 7.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
  - Issue Provisional Statements;
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits ;
  - Issue Club Machine Permits to Commercial Clubs;
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres ;
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
  - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed

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premises, under the Licensing Act 2003, where there are more than two machines;

- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

7.2 It should be noted that the Licensing Authority will not be involved in licensing remote gambling at all. This is the responsibility of the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority and the National Lottery is regulated by The National Lottery Commission.

7.3 ***The Licensing Authority recognises that the licensing function in respect of gambling is only one means of promoting delivery of the three licensing objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, South Wales Police, the Safer Swansea Partnership, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Licensing Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.***

## **8.0 Exchange of Information**

8.1 The Licensing Authority, in fulfilling its functions under sections 29, 30 and 350 of the Act, in relation to the exchange of relevant information with the Gambling Commission and other regulatory bodies, will comply with current advice issued by the Commission. In exchanging such information, the Licensing Authority will act in accordance with the provisions of the Act and with the provisions of the Data Protection Act 1998. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

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## 9.0 Enforcement

- 9.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 The City and County of Swansea's principles are that it will be guided by the Guidance and it will endeavour to be:
- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 9.3 In accordance with the Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The Licensing Authority will use appropriate enforcement to promote the Licensing Objectives. The main enforcement and compliance role for the Licensing Authority under the Act will be to ensure compliance with the premises licences and other relevant permissions.
- 9.5 The Gambling Commission is the enforcement body for the operating licences and personal licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 9.6 ***The Licensing Authority will carry out a risk-based inspection programme, having regard to:***
- ***The licensing objectives;***
  - ***Relevant codes of practice;***
  - ***The Guidance;***
  - ***The principles set out in this Statement of Licensing Policy;***
  - ***The Licensing Authority's enforcement policy.***

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9.7 ***The Licensing Authority will have regard to the Guidance in respect of ‘test purchasing’ when considering making test purchases at gambling premises.***

## **10.0 Fundamental Rights**

10.1 ***Under the terms of the Act any individual or company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has the right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.***

10.2 ***Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against the decisions of the Council.***

## **11.0 Integrating Strategies**

11.1 ***By consulting widely prior to this Policy Statement being published, the Licensing Authority will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.***

## **12.0 PREMISES LICENCES**

### **12.1 General Principles**

12.2 Premises licences are subject to the requirements set out in the Act and regulations, ***including*** the specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

12.3 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;

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- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Gambling Policy.

12.4 In accordance with the Guidance moral objections to gambling are not considered a valid reason to reject applications for premises licences and demand is not a criterion for a Licensing Authority.

12.5 ***The Gambling Commission have also issued Licence Conditions and Codes of Practice (LCCP). These were revised in February 2015 and came into force in May 2015. The revised LCCP introduce formal requirement for operators to consider local risks. The Licensing Authority will have regard to the LCCP when considering applications.***

### **13.0 Definition of Premises**

13.1 Premises is defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access are observed.

13.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

13.3 The Licensing Authority takes particular note of the Guidance and will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Authority will be aware of the following:

- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;

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- Customers should be able to participate in the activity named on the premises licence;
- The third licensing objective seeks to protect children from being harmed by Gambling. In practice this means not only preventing them taking part in gambling but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

13.4 The Licensing Authority will also consider other issues including:

- Whether the premises has a separate registration for business rates;
- Whether the neighbouring premises is owned by a different person;
- Whether each of the premises can be accessed from the street or public passageway;
- Whether the premises can only be accessed from other gambling premises.

#### **14.0 Premises Ready For Gambling**

14.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premise is not yet complete or if they need alteration, or if the applicant does not yet have the right to occupy them, an application for a provisional statement should be considered.

14.2 In deciding whether a premises licence can be granted where there are outstanding constructions or alteration works at a premises, the Authority will determine applications on their merits, applying a two stage consideration process: -

- Firstly, whether the premises ought to be permitted to be used for gambling;
- Secondly, whether appropriate conditions can be put into place to cater for the situation that the premises are not yet in the state in which they ought to be, before gambling takes place;

14.3 ***Applicants should note that the Licensing Authority is not obliged to grant a licence and is also entitled to decide that it is appropriate to grant a licence subject to conditions.***

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## 15.0 Location

15.1 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises. In accordance with the Guidance, this Authority will pay particular attention to **the licensing objective relating to** the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. When considering the Licensing Objectives with regard to the location, the Licensing Authority may take into consideration the following facts

- Size and nature of premises;
- Type of facilities applied for;
- Nature of area in which premises is to be situated;
- Potential impact of premises on area;
- Any other reasonable factor.

15.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

## 16.0 Door Supervisors

16.1 The Guidance states that licensing authorities may consider whether there is a need for door supervisors in respect of the licensing objectives of protection of children and vulnerable persons being harmed or exploited by gambling and preventing premises becoming a source of crime. Where operators and licensing authorities decide that supervision of entrances/machines is appropriate, the Licensing Authority will determine whether these supervisors need to be Security Industry Authority (SIA) licensed.

## 17.0 Duplication with Other Regulatory Regimes

17.1 The Licensing Authority **will take into account all relevant matters and will** seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however consider carefully, any concerns about conditions which are not able to be met

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by licensees due to planning restrictions should such a situation arise.

- 17.2 When dealing with a premises application for finished buildings, the Authority will not take into account that those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account as these matters are dealt with under other relevant legislation.

## **18.0 Casinos**

- 18.1 On the 4<sup>th</sup> November 2014, the City and County of Swansea acting as a Licensing Authority agreed to pass a resolution not to issue casino licences under Section 166 of the Act. This resolution came into effect on the 5<sup>th</sup> December 2014. The decision followed a consultation process and consideration of the responses received.
- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to license one Large and one Small casino. On 19 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. The City and County of Swansea was one of the eight authorities authorised to issue a Small Casino Premises Licence.
- 18.6 On 26 February 2008, the Secretary of State for Culture Media and Sport issued the Code of Practice on Determinations under Paragraphs 4 and 5 of Schedule 9 to the Act, relating to Large and Small Casinos, which sets out: -

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- the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act; and;
- matters to which the Licensing Authority should have regard in making those determinations.

18.7 The Licensing Authority is permitted to grant a Premises Licence for a Small Casino. To grant a casino premises licence the Licensing Authority is required to publish an invitation for applications to be made for a Small Casino Licence under Schedule 9 of the Gambling Act 2005 and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

18.8 There are potentially two stages to the determination process. In making a determination required by Paragraph 4 of the Schedule, the Licensing Authority must apply the procedure for assessing applications for premises licences which it ordinarily applies to such applications (Casino Application Stage 1). Where the Licensing Authority determines that it would, if it were able, grant more than one of the Stage 1 applications, the applicants who made those applications would be invited to participate in Casino Application Stage 2.

Note: paragraphs 18.7 & 18.8 do not apply whilst the resolution not to issue casino licences is in force

18.9 As the City and County of Swansea has been authorised to issue a small casino premises licence it is required to set out the principles it would apply in determining such an application, notwithstanding that it has passed a resolution not to issue casino licences.

## **19.0 General Principles – Casino Premises**

19.1 Subject to the provisions in the Act, any person may make an application. The Licensing Authority will determine each application according to criteria which are: -

- the same for all applicants;
- made known to all applicants;
- not pre-selected to favour a particular applicant or application.

19.2 The Licensing Authority shall ensure that any pre-existing contract,

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arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.

19.3 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must: -

- hold or have applied for an Operating Licence; and
- have the right to occupy the premises in question.

19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.

19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.

19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.

19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

## **20.0 Casino Application Stage 1**

20.1 The Licensing Authority will provide an Application Pack which will include a statement of the principles that it proposes to apply and the procedure that it proposes to follow in assessing applications for the Small Casino Premises Licence.

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- 20.2 At this stage, the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 20.3 With regard to Stage 1, ***the principles as stated in Paragraphs 12-18*** of the Gambling Policy shall apply to all applications.
- 20.4 The Licensing Authority recognises that each of the other applicants is considered an 'interested party' and as a result may make representations. It is recognised that the Licensing Authority's decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.
- 20.5 If this process results in more than one provisional decision to grant a Premises Licence, Casino Application Stage 2 will be implemented.

## **21.0 Principles to be applied to casino application Stage 2**

- 21.1 The Licensing Authority will apply to Stage 2 the following principles in determining whether or not to grant a Casino Premises Licence: -
- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community;
  - Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Any provision that is made for ensuring that gambling is conducted in a fair and open way;
  - Likely effects of an application on employment and regeneration in Swansea;
  - Design and location of the proposed development;
  - Range and nature of non gambling facilities to be offered as part of the proposed development;
  - Any financial and other contributions;
  - The deliverability of the proposals contained in the applications.
- 21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which

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are likely to receive the greatest weight (Appendix C). However, an applicant is not debarred from putting forward other benefits which the Licensing Authority will consider and weight to the extent that it considers them relevant.

21.3 Although applicants are able to submit an application for any location within Swansea which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that the locations for the Small Casino likely to bring the greatest benefit to Swansea ~~are~~ **is Swansea City Centre.**

- ~~• Swansea city centre;~~
- Swansea waterfront.

## **22.0 Casino Application Stage 2**

22.1 The Licensing Authority will agree and implement a protocol governing the storage of confidential information submitted during Stage 2 of the application process so as to maintain confidentiality.

22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.

22.3 The Licensing Authority will *itself* evaluate all applications and *make the decision* to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.

22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.

22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.

22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any

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factual errors or (without providing new information) make representations as to the assessment.

22.7 The Advisory Panel will then provide a final written report to the Licensing Committee which will include its recommendation as to the correct band for each criterion, its qualitative assessment and also the applicant's response. The Licensing Committee will consider the Advisory Panel's report and will determine the precise score for each criterion. The Licensing Committee will not take further evidence or representations made by the applicants but will then make its decision. Any legal advice required shall be supplied by the Solicitor acting for the Licensing Authority. The Licensing Authority will accept or reject any advice given as it considers appropriate.

22.8 All Stage 2 applicants will be informed of the decision and reasons for approval or rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of appeal.

### **23.0 Bingo Premises**

23.1 Children and young people are allowed to enter bingo premises licensed for bingo however, they are not permitted to participate in the bingo, and if category B or C gaming machines are available, these must be separated from areas where children and young people are allowed. The Licensing Authority will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

### **24.0 Betting Premises**

24.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

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- 24.2 The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to prevent a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 24.3 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 24.4 In considering whether to impose such a condition the Licensing Authority will, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 24.5 ***The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.***

## **25.0 Tracks**

- 25.1 The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track.
- 25.2 In accordance with the Guidance, the Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.
- 25.3 The Licensing Authority will expect the applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (except category D machines) are provided.

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- 25.4 The Licensing Authority notes that the Guidance requires Licensing Authorities to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, that these machines are located in areas where children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 25.5 Betting Machines - The Licensing Authority will in accordance with the Gambling Commissions Guidance, take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of machines when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 25.6 The Licensing Authority will also take note of the Guidance which suggests that Licensing Authorities consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 25.7 The Licensing Authority will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules of betting are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. An example may be that the rules are printed in the race-card or made available in leaflet form from the track office.
- 25.8 The Act requires applicants to submit plans of the premises with their application in order to ensure the Licensing Authority has the necessary information to determine whether the premises are fit for gambling.
- 25.9 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by the regulations.
- 26.0 Adult Gaming Centre (AGC)**
- 26.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

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26.2 The Licensing Authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that no-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access.

26.3 ***Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.***

26.4 ***The Licensing Authority may consider measures to meet the licensing objectives such as:***

- ***Proof of age schemes;***
- ***CCTV;***
- ***Supervision of entrances/machine areas;***
- ***Physical separation of areas;***
- ***Location of entry;***
- ***Notices/signage;***
- ***Specific opening hours;***
- ***Self-exclusion schemes;***
- ***Provision of information leaflets/helpline numbers for organisations such as GamCare.***

***This list is not mandatory, nor exhaustive, and is merely indicative of example measures.***

## **27.0 Licensed Family Entertainment Centres (FEC)**

27.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only areas.

27.2 Children and young persons will be permitted to enter a FEC and may play on the category D machines. They will not be permitted to play on category C machines and it will be a requirement that there must be clear segregation between the two types of machine so that children do not have access to category C machines.

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27.3 ***The Licensing Authority may consider measures to meet the licensing objectives such as:***

- ***Proof of age schemes;***
- ***CCTV;***
- ***Supervision of entrances/machine areas;***
- ***Physical separation of areas;***
- ***Location of entry;***
- ***Notices/signage;***
- ***Specific opening hours;***
- ***Self-exclusion schemes;***
- ***Provision of information leaflets/helpline numbers for organisations such as GamCare;***
- ***Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.***

***This list is not mandatory, nor exhaustive, and is merely indicative of example measures.***

27.4 ***The Licensing Authority will, in accordance with the Guidance, refer to the Gambling Commission's website in respect of any conditions that apply to operating licences that regulate the way in which the area containing the category C machines should be delineated.***

## **28.0 Travelling Fairs**

28.1 ***Travelling fairs are defined as 'wholly or principally' providing amusements on a site that has been used for fairs for no more than 27 days per calendar year.***

28.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs it is the responsibility of the Licensing Authority to ensure that the facilities for gambling amount to no more than an ancillary amusement.

28.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

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28.5 The Licensing Authority will work with its neighbouring Authorities to ensure that any land, which crosses its boundaries, is monitored so that the statutory limits are not exceeded.

## **29.0 Provisional Statements**

29.1 Developers may wish to apply for provisional statements before entering into a contract to buy or lease land to judge whether a development is worth taking forward. There is no need for the applicant to hold an operating licence or have the right to occupy premises to apply for a provisional statement.

29.2 Where representations about premises licence applications are made following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional statement stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances; or
- (c) Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan. The Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **30.0 Reviews**

30.1 ***The Licensing Authority may initiate the review of a premises licence or may review a premises licence following the receipt of an application from a responsible authority or interested party.***

30.2 ***The Licensing Authority must grant an application for review unless it decides to reject the application on the grounds that the application for review:-***

- is not relevant in respect of the Guidance, the relevant codes of practice, the Policy or the licensing objectives;

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- is frivolous;
- is vexatious;
- will certainly not cause the Authority to amend, revoke or suspend the licence;
- is substantially the same as the grounds cited in a previous application relating to the same premise. The Licensing Authority will take into account the time lapsed since the previous application when considering this point;
- is substantially the same as the representations made at the time the application for the premises licence was considered. The Licensing Authority will take into account the time lapsed since the previous application was considered and will not review the licence on the basis of the same arguments considered on the grant of the premises licence.

**30.3 *The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-***

- ***add, remove or amend a licence condition imposed by the Licensing Authority;***
- ***exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;***
- ***suspend the premises licence for a period not exceeding three months; and***
- ***revoke the premises licence.***

**30.4 *In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.***

**30.5 *In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.***

## **31.0 Permits / Temporary & Occasional Use Notice**

**31.1 **Permits** -** The Act introduces a range of permits granted by Licensing Authorities when premises provide a gambling facility and either the

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stakes and prizes are very low or gambling is not the main function of the premises.

### **32.0 Unlicensed Family Entertainment Centres (FEC) - Gaming Machine Permits**

- 32.1 Where a premises does not hold a premises licence but wishes to provide only Category D gaming machines, an application may be made to the Licensing Authority for a permit.
- 32.2 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such **policies** and procedures will be considered on their merits. They may include training of staff regarding suspected truant school children, how to deal with unsupervised, very young children or children causing problems in and around the premises. In accordance with the Guidance, applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling permissible in unlicensed FECs, that they have no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 32.3 ***Unlicensed FECs are premises which are wholly or mainly used for making gaming machines available, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.***
- 32.4 ***The Licensing Authority cannot attach conditions to this type of permit.***

### **33.0 Alcohol Licensed Premises**

- 33.1 The Act provides an automatic entitlement **to alcohol licence holders** to make available 2 gaming machines of category C or D for use in premises licensed to sell alcohol for consumption on the premises. To take advantage of this **entitlement, the person who holds the alcohol licence must notify the** Licensing Authority and pay the prescribed fee.
- 33.2 ***This is not an authorisation procedure as the Licensing Authority have no discretion to consider the notification or turn it down.*** The Licensing Authority can **however**, remove the automatic authorisation in respect of any particular premises if:

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- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 33.3 **Licensing Authorities may issue licensed premises gaming machine permits for any number of category C or D machines. This will replace and not be in addition to the automatic entitlement to two machines. If the holder of an alcohol licence for a premises wishes to have more than 2 machines**, then an application for a permit must be submitted to the Licensing Authority. **The Licensing Authority will** consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and such matters as they think relevant.
- 33.4 The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only category C gaming machines.
- 33.5 Measures which will satisfy the Authority that there will be no access may include the adult machines **being located** in sight of the bar **and staff who will monitor** that the machines are not being used by those under 18. Notices and signage may also assist.
- 33.6 In relation to the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 33.7 It is recognised that some **holders of** alcohol licences **wish to provide gaming machines in areas not covered by their alcohol licence. This would require an application for a premises licence and** it is likely that this would be dealt with as an application for an Adult Gaming Centre premises licence.

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33.8 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

33.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

#### **34.0 Club Gaming Permits**

34.1 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits or club machine permits. These enable premises to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations. ***Equal chance gaming includes games such as poker or bingo where the chances are equally favourable to all participants and players are not competing against a bank.*** The Licensing Authority will only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

34.2 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories ***B3A***, B4, C or D. ***Only one B3A machine can be sited as part of this entitlement.*** The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit but it may not attach any conditions to a permit.

34.3 ***If a Member's Club or Miner's Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit they may apply for a Club Machine Permit. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.***

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## 35.0 Prize Gaming & Prize Gaming Permits

- 35.1 ***Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.*** A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 35.2 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.
- 35.3 The applicant is expected to set out the types of gaming that is intended to be offered and to demonstrate that they understand the limits to stakes and prizes set out in regulations and that the gaming is offered within the law.
- 35.4 The Licensing Authority may not attach conditions to this type of permit.

## 36.0 Temporary Use Notices

- 36.1 Temporary use notices (***TUN***) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be considered suitable for a temporary use notice would include hotels, conference centres, and sporting venues.
- 36.2 A temporary use notice may only be ***given by a*** person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 36.3 The type of gambling that can be authorised by temporary use notices is prescribed by regulations. The Licensing Authority will consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## 37.0 Occasional Use Notices

- 37.1 Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice (***OUN***) without the need for a full premises licence.

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37.2 ***There is no provision for objections to be submitted, provided the notice will not result in betting facilities being available for more than 8 days in a calendar year. The Licensing Authority will however consider the definition of a 'track' and whether the use of OUNs is permitted.***

### **38.0 Registration of Small Society Lotteries**

38.1 In carrying out its functions in relation to Lotteries the Authority will have regard to the Act, the Guidance and any Regulations issued by the Secretary of State.

### **39.0 The Licensing Objectives**

39.1 ***In exercising its functions under the Act, particularly in relation to premises licences temporary use notices and permits, the Licensing Authority must have regard to the licensing objectives.***

39.2 **Objective 1** - Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime.

39.2.1 The Commission takes a leading role in preventing gambling from being a source of crime.

39.2.2 Anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued so the Licensing Authority will not be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission without delay.

39.2.3 The Authority will ***consider*** the proposed location of gambling premises in terms of this objective. ***If an area has particular problems with disorder, organised crime etc, the Authority will consider carefully whether gambling premises are suitable to be located there and whether controls may be appropriate to prevent the premises being associated with or used to support crime. This may include conditions on the premises licence such as the provision of door supervisors.***

39.2.4 The Authority will seek to address issues of disorder under the Act. Disorder is intended to mean activity that is more serious and disruptive than nuisance. A disturbance could be ***considered*** serious enough to constitute disorder if Police assistance was required to deal

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with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it.

39.2.5 The Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

39.2.6 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Authority's Licensing Officers and **Officers from** South Wales Police before making a formal application.

39.2.7 In considering licence applications, the Authority will in particular take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

### **39.3 Objective 2 - Ensuring gambling is conducted in a fair and open way**

39.3.1 Generally, the Gambling Commission would not expect Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore relevant to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence. Both of these licences are the responsibility of the Gambling Commission.

39.3.2 As track operators will not necessarily have an operating licence from the Gambling Commission the Authority may, in certain circumstances, require conditions of licence to ensure that the environment in which betting takes place is suitable.

### **39.4 Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling**

39.4.1 The Authority has noted the Guidance that this objective means that children and young persons should be prevented from taking part in

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gambling and should be prevented from entering those gambling premises which are adult only environments. The Authority will therefore consider as suggested in the Guidance, whether specific measures are required at particular premises, regarding this objective.

- 39.4.2 The Authority is also aware of the Gambling Commission Codes of Practice in relation to specific premises.
- 39.4.3 It is noted that the Gambling Commission does not seek to **define** “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Authority will consider this licensing objective on a case by case basis.
- 39.4.4 The Authority will seek to ensure that there are restrictions on advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 39.4.5 The Authority will consult with South Wales Police and the ~~Local Safeguarding Children Board~~ **Principal Officer for Safeguarding Quality and Performance, Child and Family Services** and the ~~Adult Protection Committee~~ **and the Principal Officer for Safeguarding and Wellbeing of the City and County of Swansea** on any application that indicates there may be concerns over access for children or vulnerable persons
- 39.4.6 ***The Guidance sets out considerations that an operator must take into account in order to protect children and young people from accessing gambling premises.***
- 39.4.7 ***The LCCP prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.***
- 39.4.8 The Authority will expect applicants to offer their own measures to meet the licensing objectives in respect of issues such as:
- Proof of age;
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Locations of entry/gaming machines;

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- Notices/signage;
- Specific opening hours;
- Self Exclusion schemes *i.e. when someone asks an operator to refuse to accept their custom to prevent them from gambling;*
- Provision of information leaflets/helpline numbers for organisations such as Gamcare.

This list is not mandatory and is not exhaustive. It is merely indicative of example measures.

39.4.9 The Authority will judge the individual merits of each application before deciding whether to impose conditions to protect children and vulnerable adults on particular categories of premises. This may include such requirements as:-

- Appropriate signage for adult only areas;
- Supervision of entrances;
- Use of supervisors;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non adult gambling specific premises.

39.4.10 Any conditions attached will be proportionate to and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other aspects.

#### **40.0 Local Risk Assessments for Operators**

40.1 ***The LCCP require new applicants and operators of existing premises seeking to vary a licence, to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to have policies, procedures and control measures to address those risks.***

40.2 ***Operators are required to make the risk assessment available to the Licensing Authority when an application is submitted for a new premises licence, variation of a premises licence or otherwise on request.***

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40.3 ***In undertaking their risk assessments, operators should have regard to the following:***

- ***The layout of the premises in particular access to the premises by children and vulnerable persons;***
- ***The location of the premises in particular the proximity to premises/areas where the presence of children/vulnerable persons may be expected e.g. schools, parks, playgrounds, entertainment venues such as cinemas and bowling alleys, shops, cafes, bus stops, premises with alcohol licences, medical centres, care homes, money outlets, treatment centres for addictions;***
- ***The location of the premises in relation to problems of antisocial behaviour, youth crime, street/underage drinking, disorder;***
- ***Incidents of underage gambling;***
- ***Details relating to self exclusions;***
- ***Patterns in gambling e.g. coincide with benefit payments, salary payments;***

***This list is not exhaustive and other relevant factors should also be taken into consideration.***

#### **41.0 Local Area Profiles**

41.1 ***The current Guidance introduces the concept of local area profiles (LAP) for Authorities as a means of mapping out local areas of concern. There is no requirement for an Authority to have a LAP or if they have a LAP for it to be included in the Policy.***

41.2 ***Where the Authority develops a LAP this will be contained in a separate document and made available in conjunction with the Policy.***

#### **42.0 Decision Making**

42.1 ***The powers and duties of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.***

42.2 ***It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In***

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***the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.***

**42.3 *Appendix D sets out the recommended delegation of functions and decisions by guidance. The Licensing Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.***

#### **43.0 Appeals Procedure**

**43.1 *Appeal provisions for parties aggrieved by decisions of the Licensing Authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.***

**43.2 *An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Swansea Magistrates Court, Grove Place, Swansea SA1 5DB within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.***

**43.3 *On determining an appeal, the Court may:***

- Dismiss the appeal;***
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;***
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court;***
- Make an order about costs.***

#### **44.0 Reasons for Decisions**

**44.1 *In anticipation of such appeals, the Licensing Authority will provide comprehensive reasons for its decisions. The Licensing Authority will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.***

#### **45.0 Implementing the Determination of the Magistrates' Court**

**45.1 *As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation***

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***and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.***

#### **46.0 Concerns in respect of Licensed Premises**

**46.1 *The Licensing Authority will investigate complaints in respect of licensed premises in relation to matters relating to the licensing objectives for which it has responsibility.***

**46.2 *Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a meeting to address and clarify the issues of concern.***

**46.3 *This process will not override the right of any party to decline to participate in any meeting or mediation process.***

#### **47.0 Information Sharing Network - Operators**

**47.1 *The Licensing Authority will encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers.***

#### **48.0 Further Information**

For further information about the Gambling Act 2005 or this Gambling Policy please contact the Licensing Division at the following address:

Licensing Food and Safety Division  
Housing and Public Protection Services  
Directorate of Place  
City & County of Swansea  
Civic Centre  
Oystermouth Road  
Swansea  
SA1 3SN

Or:

Telephone: 01792 635600  
Email: [evh.licensing@swansea.gov.uk](mailto:evh.licensing@swansea.gov.uk)

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Website: [www.swansea.gov.uk](http://www.swansea.gov.uk)

**Information is also available from:-**

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500

Fax: 0121 237 2236

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Department of Culture Media and Sport**

2-4 Cockspur Street  
London  
SW1Y 5DH

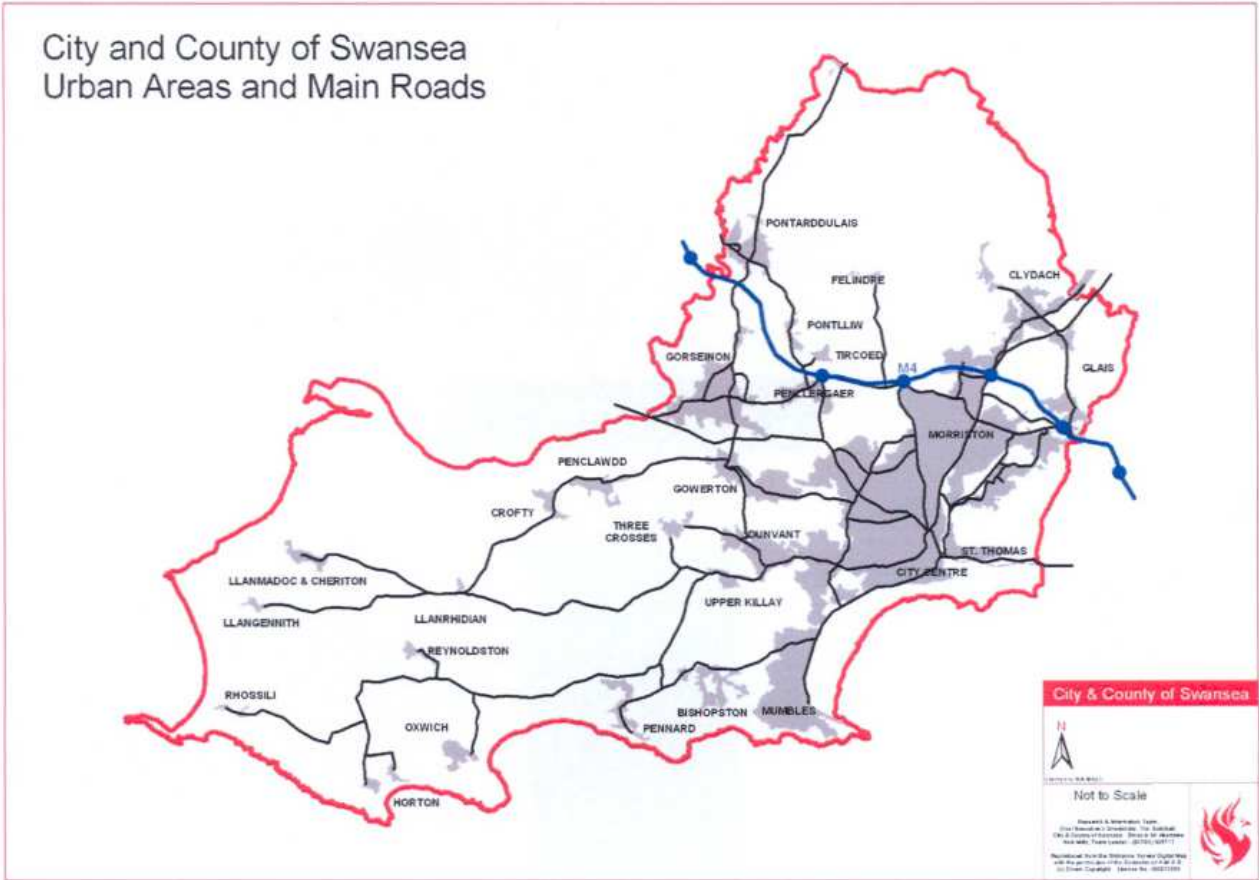
Tel: 020 7211 6200

Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

Website: [www.culture.gov.uk](http://www.culture.gov.uk)

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APPENDIX A



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## APPENDIX B - Consultees

The Licensing Authority has consulted the following on the content of this Gambling Policy:-

- Association of British Bookmakers
- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- British Casino Association
- British Beer & Pub Association
- British Greyhound Racing Board
- Casino Operators Association of the UK
- Club & Institute Union
- Gambling Commission ~~Regional Inspector~~
- Gamcare
- ~~Lacors~~
- Lotteries Council
- Maritime & Coastguard Agency
- Neighbourhood Watch
- ~~Public Houses~~ **Permit Holders**
- ~~Bingo Halls~~ **Premises Licence Holders**
- ~~Clubs~~
- ~~Amusement Arcades~~
- ~~Betting Shops~~
- Responsibility in Gambling Trust
- Responsible Authorities:-
  - Chief Officer of Police
  - Licensing Authority
  - Chief Fire Officer
  - HM Revenue & Customs
  - Environmental Health
  - Gambling Commission
  - Planning
  - Child & Family Services
  - ~~Local Safeguarding Children Board/Adult Protection~~
- Licensing Committee
- Elected Members of City and County of Swansea
- Legal Services
- Community Councils

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APPENDIX C

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Small Casino Licence – Principles and Criteria

Principles	Criteria – Benefits/Avoidance of Disbenefits	Importance
<p><b>Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community</b></p>	<p>Extent to which applicant can demonstrate measureable outcomes for Swansea with regard to the following:</p> <ul style="list-style-type: none"> <li>• Commitment to evaluation of social impacts of gambling and ability to evaluate.</li> <li>• Investment in problem gambling schemes/funding for treating programmes/funding to <del>Gambling Research, Education and Treatment Foundation (GREaT).</del> <b>Responsible Gambling Trust</b></li> <li>• Problem gambling measures; <b><i>including how the applicant will contribute to education on the risks of gambling, in particular for children and young people.</i></b></li> <li>• Demonstrably high level management commitment to social responsibility.</li> <li>• Commitment to staff training on social responsibility issues and recognition of</li> </ul>	<p><b>(Very High/High/Medium)</b></p> <p><b>Very High</b></p>

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	<p>problem gambling.</p> <ul style="list-style-type: none"> <li>• Operation of self exclusion schemes/ exclude self-barred individuals from entry.</li> <li>• Responsible marketing/advertising. Who will be targeted?</li> <li>• Proximity of casino to schools, children, places of worship youth and elderly populations.</li> </ul>	
<b>Any provision that is made for preventing gambling from being a source of crime or disorder or being associated with crime or disorder or being used to support crime.</b>	<ul style="list-style-type: none"> <li>• Steps taken to promote safe evening and night time economy.</li> <li>• Provision of CCTV and security measures.</li> <li>• Liaison/consultation with responsible authorities to promote the prevention of crime and disorder objectives under the Gambling Act 2005 and the Licensing Act 2003.</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>• Provision of satisfactory levels of/appropriately qualified and licensed door supervisors.</li> <li>• Liaison with police architectural/crime prevention officers to ensure that where possible opportunities for crime are designed out.</li> </ul>	
<b>Any provision that</b>	<ul style="list-style-type: none"> <li>• Provision of separate</li> </ul>	<b>Very High</b>

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	<p>training leading to nationally accredited awards) and to achieve career progression.</p> <ul style="list-style-type: none"> <li>• Provision of support to education and training establishments in the area;</li> </ul> <p><b>Regeneration:</b></p> <ul style="list-style-type: none"> <li>• The extent to which the proposals will act as a direct catalyst for complementary development.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The extent to which the development would create an all year round, diverse tourism/leisure economy such as permanent employment, and generation of further investments.</li> <li>• Steps taken to broaden the visitor demographic.</li> <li>• Steps taken to promote a vibrant night time economy.</li> <li>• The extent to which the development increases the provision of high quality, leisure services/cultural amenities (such as 4*/5* hotel, conference facilities etc.)</li> <li>• Positive multiplier effects on business community.</li> <li>• Proposals for making supply chain and sourcing opportunities available to</li> </ul>	

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	<p>organizations and individuals in the area.</p> <ul style="list-style-type: none"> <li>• Proposals for engaging with local community partnerships, and for contributing financially or otherwise to community services and facilities;</li> <li>• Compatibility with regeneration/planning strategies.</li> <li>• Commitment to the periodic evaluation of the economic impact on Swansea of the casino.</li> </ul>	
<p><b>Design and location of the proposed development</b></p>	<p><b>Design:</b></p> <ul style="list-style-type: none"> <li>• Compatibility with the Council’s development plan and supporting planning strategies.</li> <li>• Degree of integration with existing movement routes, buildings, uses, landscapes, open spaces and strategic car parks.</li> <li>• Provision of other complementary facilities to create a mixed use development and a vibrant destination.</li> <li>• Impact on existing adjacent developments, avoiding adverse impact to neighboring occupiers.</li> <li>• Attainment of high standards of design and buildings of significant architectural merit.</li> </ul>	<p><b>Very High</b></p>

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	<ul style="list-style-type: none"> <li>• Address issues of security and crime prevention in the design of buildings and routes around them.</li> <li>• Accessibility by modes of travel other than the private car.</li> <li>• Promote resource efficient buildings and layouts using sustainable design and construction techniques in accordance with BREEAM criteria set by the Welsh Assembly Government.</li> <li>• Preserve any listed buildings (and their settings) and enhance conservation areas.</li> <li>• Community engagement – proposals for consultations and involvement in design.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• Application considered on its own merit, but local preference for a city centre or waterfront brownfield location to deliver regeneration objectives.</li> </ul>	<p><b>Very High</b></p>
	<ul style="list-style-type: none"> <li>• Extent to which the proposed location is less or more likely to lead to the loss of an existing leisure facility.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Impact on neighbouring businesses and residents (during construction and once in operation).</li> <li>• Extent to which proposed location will maximize the number of new visitors to Swansea.</li> </ul>	
<b>Range and nature of non gambling facilities to be offered as part of the proposed development.</b>	<ul style="list-style-type: none"> <li>• The range and complementary nature of other ancillary facilities offered within and outside the casino development.</li> </ul>	<b>High</b>
<b>Any financial and other contributions</b>	<ul style="list-style-type: none"> <li>• Confirm amount of financial contributions offered and on what basis they will be paid (e.g. one off payment, annual index linked contributions in perpetuity, a percentage of the Gross Gaming Yield etc.).</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>• Confirm financial payments made for late or non delivery of operations or benefits.</li> <li>• If proposal involves loss of existing facilities, will such facilities be replaced and where?</li> <li>• Direct cultural benefits such as showcasing local art/artists.</li> <li>• Support for local supporting/cultural/charitable schemes.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Communication, consultation and partnership working with local Community Partnerships, in particular Communities First.</li> <li>• Contributing financially to additional community services and facilities.</li> <li>• Other benefits the applicant proposes to provide not elsewhere described.</li> </ul>	<b>Medium</b>
<b>Deliverability</b>	<ul style="list-style-type: none"> <li>• Status of approved (e.g. Planning), signed development agreement, 3<sup>rd</sup> party guarantees.</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>• Timescales for implementation and completion of development and operations.</li> <li>• Timescale, duration and form taken for the delivery of proposed benefits.</li> <li>• Developer/Operator – financial status, track record here and abroad, clear and detailed business plan of proposals.</li> <li>• Evidence of consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulation and Legislation.</li> </ul>	

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### APPENDIX D – Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING SUB-COMMITTEE	OFFICERS
Three year Gambling Policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by the Executive)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter		X	

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notice to a temporary use notice			
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X Indicates the lowest level to which decisions can be delegated

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# Agenda Item 13.a

## Report of the Section 151 Officer

Cabinet – 20 August 2015

### STATEMENT OF REVENUE RESERVES

<b>Purpose:</b>	To inform Cabinet of the reclassification of Revenue Reserves of the Council following a review by the Section 151 Officer of existing and future risk.
<b>Policy Framework:</b>	Sustainable Swansea Budget Plan 2015/16
<b>Reason for Decision:</b>	It is a requirement of the Section 151 Officer to regularly review both the level of Earmarked and General Reserves held by the Council and the purpose for which they are held in the light of an ongoing assessment of future financial risks facing the Council
<b>Consultation:</b>	Cabinet Members, Executive Board, Legal Services and Corporate Equalities Unit.
<b>Recommendation:</b>	It is recommended that the comments in this report and the specific reclassification of existing revenue reserves of the Council as at 31 <sup>st</sup> March 2015, as detailed in Section 3.12 of this report, are noted.
<b>Report Author:</b>	Mike Hawes
<b>Finance Officer:</b>	Mike Hawes
<b>Legal Officer:</b>	Patrick Arran
<b>Equalities Officer:</b>	Sherill Hopkins

#### 1. Introduction and Context

- 1.1 Local Authorities have a corporate responsibility to operate within available resources and to remain financially sound over the short, medium and longer term.
- 1.2 One of the key tools available to Authorities in managing their affairs is the creation and use of both General and earmarked reserves to assist in delivering services over a period longer than one financial year.
- 1.3 In terms of guidance on the review and management of reserves, the Chartered Institute of Public Finance and Accountancy (CIPFA), via the Local Authority Accounting Panel, issued a bulletin in July 2014 (LAAP

99) intended to give guidance to Local Authorities on the management and review of Reserves. This bulletin is considered best practice in terms of Local Authority Financial administration and effectively must be followed. A copy of the bulletin is at Appendix 'A' to this report.

- 1.4 Within the existing statutory and regulatory framework, it is the responsibility of Chief Financial Officers to advise Local Authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use. Reserves should not be held without a clear purpose.
- 1.5 It is the duty of the Chief Finance Officer to specifically report on the robustness of estimates and reserves when the Council considers its budget requirement and, as such, the Revenue Budget approved by Council in February 2015 made specific references to the adequacy of Reserves at that point in time.
- 1.6 Notwithstanding that specific statutory requirement, it is the duty of the Chief Finance Officer to regularly review the position regarding available reserves of the Authority having specific regard to:
  - a) The original and current need for each category of reserve held
  - b) An assessment of current and future risks (both operationally and financially) facing the Council
  - c) The impact of known and predicted funding levels likely to impact on the Council going forward.
- 1.7 This report considers the position regarding both General and earmarked reserves as at 31<sup>st</sup> March 2015 and makes specific changes in respect of reclassification of elements of those specific reserves.

## 2. Position as at 31<sup>st</sup> March 2015

- 2.1 The draft Statement of Accounts as presented to our external Auditors as at 31<sup>st</sup> March 2015 included the following entries in respect of reserves:

Usable Reserves	£'000	Purpose
General Fund	12,360	Used as an overall contingency to cushion the impact of unexpected events or emergencies and as a means of smoothing out annual budgets where there is significant change
Earmarked Revenue Reserves	52,782	Consisting of sums set aside for specific purposes to support Corporate and Service needs
Earmarked Capital Reserves	3,904	Consisting of sums set aside to fund known and ongoing Capital Projects
Capital receipts	12,935	Capital monies received by the

Reserve		Council set aside for funding ongoing Capital schemes per the Capital. Programme. These sums are committed to current schemes and cannot be used to support Revenue expenditure
Capital Grants unapplied Account	20,965	Relates to committed funding on Capital schemes and cannot be used to support Revenue spending
Housing Revenue Account	17,135	Exists to support expenditure for Housing Revenue Account purposes only and cannot be used to support general Council Revenue or Capital Expenditure
<b>Total usable reserves</b>	<b>120,081</b>	

- 2.2 In addition the Council holds some £162.2m in unusable reserves arising purely from accounting technicalities. These cannot be used to support revenue or capital expenditure of the Council.
- 2.3 The General Fund Balance of the Council as detailed above is as per the Revenue Outturn report presented to Cabinet on 16<sup>th</sup> July 2015.
- 2.4 The draft Statement of Accounts as presented to our external Auditors (PWC) on 30<sup>th</sup> June included an analysis of earmarked reserves with the proviso that each reserve was subject to strategic review by the Section 151 Officer based on an analysis of current need and changing Council risks.
- 2.5 This report is the result of that strategic review.

### 3. Outcomes and recommendations

- 3.1 The Medium Term Financial Plan approved by Council in February 2015 forecast a cumulative deficit on General Fund Revenue Expenditure of some £85m by 2018/19 with an immediate savings requirement of £35m for 2016/17. This is in addition to the current year Directorate savings requirement of £17.167m
- 3.2 Whilst notional Directorate Savings for 2016/17 in the sum of £12.772m have been agreed, these include incremental savings across all Directorates which are dependent on meeting current year savings targets.
- 3.3 However, as reported to Cabinet in May 2015, there is clear and compelling evidence that savings planned in the areas of Social Services and Education are unlikely to be achieved in the current year, which puts future years in jeopardy. Savings for the current year also include a target sum of £3m relating to reductions in asset costs and procurement savings.

- 3.4 To put it into context, if all planned savings for 2016/17 are achieved it still leaves a gap of £22.332m to be addressed.
- 3.5 The Council's strategy for dealing with ongoing budget reductions and Service transformation – Sustainable Swansea – is ongoing and it is clear that, whether as a result of commissioning reviews or emergency action being required to produce a balanced budget going forward, there is likely to be considerable cost in relation to change.
- 3.6 Dealing with the cost of future structural change is a significant financial risk that needs to be addressed now, given the scale and pace of budget reductions to be addressed by the Council.
- 3.7 Traditionally exit costs in relation to downsizing the organisation has been dealt with through the use of the annual contingency fund, currently standing at an annual contribution of £5.4m. However, early indications in the current year indicate substantial probable overspends in People Directorate Services and it is likely that, in future, use of the contingency fund will be required to mitigate the effect of service spending variations.
- 3.8 In assessing both the level and use of Earmarked and General reserves The LAAP bulletin sets out some of the factors that should be considered including:-
- The treatment of demand led pressures
  - The treatment of planned efficiency savings/productivity gains
  - The financial risks inherent in any significant new funding Partnerships or changes in service delivery
  - The general financial climate to which the Authority is subject.
- 3.9 Having considered the above, and in the context of a medium term financial plan that shows ongoing and sustained budget reductions, it is my opinion that the Council needs to prepare for significant changes in service delivery that will inevitably impact on direct employment levels going forward.
- 3.10 Indications from Local Authorities in England typically suggest a reduction in the directly employed workforce of at least 30% based on experience of the austerity agenda, which includes transfers where appropriate to alternative service providers and/or job losses. This level of reduction is likely to increase over the period to 2020.
- 3.11 Changes on such a scale will inevitably come with substantial up-front costs and it is vital at this time that the Council plans operationally and financially to meet those changes.
- 3.12 **To this extent, and following a review of current earmarked reserves, the following re-classification of earmarked reserves is proposed:-**

<b>Category of Earmarked Reserve</b>	<b>Current Balance 31/3/15 £'000</b>	<b>Proposed Change £'000</b>	<b>Proposed Position £'000</b>
Technical/Third party	1,465	0	1,465
Insurance	18,775	-4,000	14,775
Job evaluation	2,234	0	2,234
Transformation and efficiency	2,525	0	2,525
Schools delegated reserves	9,754	0	9,754
Equalisation reserves	3,121	-2,471	650
Commutated sums	4,945	0	4,945
Repair and Renewal funds	3,706	0	3,706
Profit share on disposals	1,027	0	1,027
Service earmarked reserves	5,230	-1,374	3,856
<b>Restructuring costs reserve</b>	<b>0</b>	<b>7,845</b>	<b>7,845</b>
<b>Total earmarked reserves</b>	<b>52,782</b>	<b>0</b>	<b>52,782</b>

3.13 The effect of this is to create a specific earmarked revenue reserve of £7.845, which is intended to be used exclusively for direct one-off costs relating to service transformation.

#### **4. Legal implications**

4.1 There are no direct legal implications arising from this report. However, Section 151 of the Local Government Act 1972 requires each Local Authority to make arrangements for the proper administration of its financial affairs and that the Chief Finance Officer (in our case the Head of Finance and Delivery) has responsibility for those affairs.

4.2 Under guidance detailed at Appendix 'A' to this report the Chief Finance Officer is required at all times to monitor the purpose and use of Reserves.

#### **5 Access to Service implications**

5.1 Having assessed the current planned use of earmarked reserves there are no significant equalities implications arising from these proposals

**Background Papers:** None.

**Appendix:** Appendix 'A' – LAAP bulletin 99

# LAAP BULLETIN 99

## Local Authority Reserves and Balances

*July 2014*

The Local Authority Accounting Panel issues LAAP Bulletins to assist practitioners with the application of the requirements of the Code of Practice on Local Authority Accounting, SeRCOP and Prudential Code, and to provide advice on emerging or urgent accounting issues. Bulletins provide influential guidance that is intended to be best practice, but are not prescriptive and do not have the formal status of the Code, SeRCOP or Prudential Code.

Please address any queries to CIPFA Technical Enquiry Service for CIPFA members and students  
[technical.enquiry@cipfa.org.uk](mailto:technical.enquiry@cipfa.org.uk)

The Chartered Institute of Public Finance and Accountancy  
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CIPFA, the Chartered Institute of Public Finance and Accountancy, is the professional body for people in public finance. Our 14,000 members work throughout the public services, in national audit agencies, in major accountancy firms, and in other bodies where public money needs to be effectively and efficiently managed. As the only UK professional accountancy body to specialise in public services, CIPFA's qualifications are the foundation of a career in public finance. They include the benchmark professional qualification for public sector accountants as well as a postgraduate diploma for people already working in leadership positions. Our in-house CIPFA Education and Training Centre delivers the range of our programmes at locations across the UK, and works with other places of learning to provide our courses locally. We also champion high performance in public services, translating our experience and insight into clear advice and practical services. They include information and guidance, courses and conferences, property and asset management solutions, consultancy and interim people for a range of public sector clients. Globally, CIPFA shows the way in public finance by standing up for sound public financial management and good governance. We work with governments, accounting bodies and the public sector around the world to advance public finance and support its professionals.

## INTRODUCTION AND BACKGROUND

1. LAAP Bulletin 55 (Guidance note on local authority reserves and balances) was issued in February 2003. This was followed by its replacement in 2008 by LAAP Bulletin 77. LAAP Bulletin 77 included a number of events and changes that occurred including the publication of the Prudential Code and the beginnings of the financial downturn. Since the issue of LAAP Bulletin 77, the IFRS-based Code<sup>1</sup> has been published and this bulletin has been updated to reflect the new requirements of that Code. In addition, during a period of financial austerity for the public sector, the Local Authority Accounting Panel considers that it is necessary to update the guidance on local authority reserves and balances.
2. The “New Reporting Framework” described in LAAP Bulletin 55 has now largely been overtaken by statutory requirements, but is included in Appendix A for information.
3. The advice previously provided by LAAP Bulletin 77 which focussed on the financial impact of flooding is included in Appendix B.
4. Further resources and information are provided at Appendix C.
5. Relevant extracts from the IFRS–based Code are provided at Appendix D.

## PURPOSE

6. This bulletin provides guidance to local authority chief finance officers in England, Northern Ireland, Scotland and Wales on the establishment and maintenance of local authority reserves and balances.

## APPLICATION

7. In England, Scotland and Wales the guidance is applicable to local authorities, joint committees and joint boards of principal authorities.
8. In England and Wales the guidance is applicable to Police and Crime Commissioners, Chief Constables and fire and rescue authorities.
9. In Northern Ireland the guidance applies to all district councils.
10. The general principles set out in this guidance apply to an authority’s General Fund, Council Fund, Police Fund and, where appropriate, to the Housing Revenue Account (HRA).
11. The advice in this bulletin relates to reserves, not provisions. The Code definitions of provisions and reserves are included in Appendix D to this bulletin for information.
12. This bulletin replaces LAAP Bulletin 77.

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<sup>1</sup> *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code).



## LEGISLATIVE / REGULATORY FRAMEWORK

13. The requirement for financial reserves is acknowledged in statute. Sections 31A, 32 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Section 93 of the 1992 Act requires Scottish authorities, in calculating council tax, to take into account 'any means by which those expenses may otherwise be met or provided for'. This includes reserves.
14. In Scotland there are explicit statutory powers under schedule 3 of the Local Government (Scotland) Act 1975 permitting certain local authorities to establish a renewal and repair fund, an insurance fund and a capital fund alongside a requirement, as in England and Wales, to maintain a General Fund (section 93 of Part VII of the Local Government (Scotland) Act 1973). LASAAC has published guidance on reserves which is available from the LASAAC website. In Northern Ireland, Section 9 of the Local Government Finance Act (Northern Ireland) 2011 enables councils to maintain other funds in addition to the General Fund. Local authorities may however ' earmark' specific parts of the General Fund reserve. This earmarking of a proportion of the General Fund is referred to in this Bulletin as Earmarked Reserves.
15. There are also a range of safeguards in place that help to prevent local authorities over-committing themselves financially. These include:
  - the balanced budget requirement:
    - England, sections 31A, 42A of the Local Government Finance Act 1992, as amended
    - Wales, sections 32 and 43 and Scotland, 93 of the Local Government Finance Act 1992 and
    - section 85 of the Greater London Authority Act 1999
  - chief finance officers' duty to report on robustness of estimates and adequacy of reserves (under section 25 of the Local Government Act 2003) when the authority is considering its budget requirement (England and Wales)
  - chief finance officers' duty to report on the robustness of estimates and the adequacy of reserves (under sections 4 and 6 of the Local Government and Finance Act (Northern Ireland) 2011
  - the legislative requirement for each local authority to make arrangements for the proper administration of their financial affairs and that the chief finance officer / proper officer has responsibility for the administration of those affairs section 151 of the Local Government Act 1972, section 95 of the Local Government (Scotland) Act 1973 and section 1 of the Local Government and Finance Act (Northern Ireland) 2011
  - the requirements of the Prudential Code.
16. These requirements are reinforced by section 114 of the Local Government Finance Act 1988 which requires the chief finance officer in England and Wales to report to all the authority's councillors if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year. The issue of a section 114 notice cannot be taken lightly and has serious operational implications. Indeed, the authority's full council must meet within 21 days to consider the s114 notice and

during that period the authority is prohibited from entering into new agreements involving the incurring of expenditure.

17. Whilst it is primarily the responsibility of the local authority and its chief financial officer to maintain a sound financial position, external auditors will confirm that there are no material uncertainties about going concern. Even where as part of their wider role auditors have to report on an authority's financial position, it is not their responsibility to prescribe the optimum or minimum level of reserves for individual authorities or authorities in general.
18. CIPFA's Prudential Code requires chief finance officers in local authorities to have full regard to affordability when making recommendations about the local authority's future capital programme. Such consideration includes the level of long term revenue commitments. Indeed, in considering the affordability of its capital plans, the authority is required to consider all of the resources available to it/estimated for the future, together with the totality of its capital plans and revenue forecasts for the forthcoming year and the following two years.

#### ROLE OF THE CHIEF FINANCE OFFICER (PROPER OFFICER IN SCOTLAND)

19. Within the existing statutory and regulatory framework, it is the responsibility of chief finance officers (proper officer in Scotland) to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use. Reserves should not be held without a clear purpose.
20. CIPFA and the Local Authority Accounting Panel consider that local authorities should establish reserves including the level of those reserves based on the advice of their chief finance officers. Authorities should make their own judgements on such matters taking into account all the relevant local circumstances. Such circumstances vary. A well-managed authority, for example, with a prudent approach to budgeting should be able to operate with a level of general reserves appropriate for the risks (both internal and external) to which it is exposed. In assessing the appropriate level of reserves, a well-managed authority will ensure that the reserves are not only adequate but are also necessary. There is a broad range within which authorities might reasonably operate depending on their particular circumstances.
21. Section 26 of the Local Government Act 2003 gives Ministers in England and Wales a general power to set a minimum level of reserves for local authorities. However, the government has undertaken to apply this only to individual authorities in the circumstances where an authority does not act prudently, disregards the advice of its chief finance officer and is heading for serious financial difficulty. This accords with CIPFA's view that a generally applicable minimum level is inappropriate, as a minimum level of reserve will only be imposed where an authority is not following best financial practice (including the guidance in this bulletin).

#### TYPES OF RESERVE

22. When reviewing their medium term financial plans and preparing their annual budgets local authorities should consider the establishment and maintenance of reserves. These can be held for three main purposes:
  - a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves;
  - a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves;

- a means of building up funds, often referred to as earmarked reserves (or earmarked portion of the general fund in Scotland - see below), to meet known or predicted requirements; earmarked reserves are accounted for separately but remain legally part of the General Fund.

Category of Earmarked Reserve	Rationale
Sums set aside for major schemes, such as capital developments or asset purchases, or to fund major reorganisations	Where expenditure is planned in future accounting periods, it is prudent to set aside resources in advance.
Insurance reserves (note that the Insurance Fund is a statutory fund in Scotland)	Self-insurance is a mechanism used by a number of local authorities. In the absence of any statutory basis (other than in Scotland) sums held to meet potential and contingent liabilities are reported as earmarked reserves where these liabilities do not meet the definition of a provision under the requirements of the Code's adoption of IAS 37 <i>Provisions, Contingent Assets and Liabilities</i> ).
Reserves of trading and business units	Surpluses arising from in-house trading may be retained to cover potential losses in future years, or to finance capital expenditure.
Reserves retained for service departmental use	Authorities may have internal protocols that permit year-end underspendings at departmental level to be carried forward.
Reserves for unspent revenue grants	Where revenue grants have no conditions or where the conditions are met and expenditure has yet to take place. The Code Guidance Notes recommend that these sums are held in earmarked reserves (see paragraph 29 below).
Schools balances	These are unspent balances of budgets delegated to individual schools.

## FINANCIAL REPORTING FOR RESERVES

23. The IFRS-based *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) introduced the Movement in Reserves Statement to local authority financial statements in the 2010/11 financial year. This Statement presents the movement in the year of the reserves of the authority analysed into usable reserves, (eg General Fund, HRA Balances and earmarked reserves) and unusable reserves (see paragraph 24 below).
24. Unusable reserves arise out of the interaction of legislation and proper accounting practice either to store revaluation gains or as adjustment accounts to reconcile accounting requirements driven by reporting standards to statutory requirements.

These reserves<sup>2</sup>, which are not resource-backed and cannot be used for any other purpose, are described below:

#### *Revaluation Reserves*

- The Revaluation Reserve - this is a reserve that records unrealised gains in the value of property, plant and equipment. The reserve increases when assets are revalued upwards, and decreases as assets are depreciated or when assets are revalued downwards or disposed of. Local authorities might benefit from these gains in the future from the continued use of the assets or from their sale. The Reserve contains only revaluation gains accumulated since 1 April 2007, the date that the Reserve was created. Accumulated gains arising before that date are consolidated into the balance on the Capital Adjustment Account.
- The Available-for-Sale Financial Instruments Reserve – this is a reserve that records unrealised revaluation gains arising from holding available-for-sale investments, plus any unrealised losses that have not arisen from impairment of the assets. Local authorities might benefit in the future from the gains when the investments mature or are sold or they might be lost in falls in value.

#### *Adjustment Accounts*

- The Pensions Reserve – this is a specific accounting mechanism used to reconcile the payments made for the year to various statutory pension schemes in accordance with those schemes' requirements and the net change in the authority's recognised liability under the Code's adoption of IAS 19 – *Employee Benefits*, for the same period. A transfer is made to or from the pensions reserve to ensure that the charge to the General Fund reflects the amount required to be raised in taxation. For example, the debit balance on the Reserve shows that an authority has made commitments to fund pensions that the Government has permitted it to fund from contributions to be made in future years.
- The Capital Adjustment Account - this is a specific accounting mechanism used to reconcile the different rates at which assets are depreciated under proper accounting practice and are financed through the capital controls system. Statute requires that the charge to the General Fund is determined by the capital controls system. For example, the credit balance on the Account shows that an authority has generally financed capital investment in advance of receiving the benefits of that investment. The Account also contains revaluation gains accumulated on Property, Plant and Equipment before 1 April 2007, the date that the Revaluation Reserve was created to hold such gains.
- The Financial Instruments Adjustment Account – this is a specific accounting mechanism used to reconcile the different rates at which gains and losses (such as premiums on the early repayment of debt) are recognised under proper accounting practice and are required by statute to be met from the General Fund. For example, the debit balance on the Account shows that an authority has incurred expenses on borrowings that the Government has permitted it to spread over future years.

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<sup>2</sup> In addition to the Reserves included in this list authorities may hold the deferred capital receipts reserve and the accumulated absences account. Further details on these reserves are included in the *Code of Practice on Local Authority Accounting in the United Kingdom Guidance Notes for Practitioners 2013/14 Accounts*.

- The Unequal Pay Back Pay Account - this is a specific accounting mechanism used to reconcile the different rates at which payments in relation to compensation for previous unequal pay are recognised under proper accounting practice and are required by statute to be met from the General Fund. This account is not applicable to Scotland.
  - Collection Fund Adjustment Account – this is a specific accounting mechanism used to reconcile the differences arising from the recognition of council tax and non-domestic rates income (England)) in the Comprehensive Income and Expenditure Statement to those amounts required to be charged by statute to the General Fund. For example, the credit balance on the Account shows that more tax has been collected on behalf of the authority and the precepting bodies (and central government in England for non-domestic rates income) than an authority is permitted to transfer out of the Collection Fund by 31 March. This account is not applicable to Scotland.
25. Other such reserves may be created in future where developments in local authority accounting result in timing differences between the recognition of income and expenditure under proper accounting practice and under statute or regulation.
26. In addition authorities will hold the following two usable reserves:
- a Major Repairs Reserve (England and Wales), where relevant – in England this reserve records the unspent amount of HRA balances for capital financing purposes in accordance with statutory requirements for the Reserve. In Wales this represents the amounts unspent from the Major Repairs Allowance capital grant.
  - a Capital Receipts Reserve (Capital Fund in Scotland<sup>3</sup>) – this reserve holds the proceeds from the sale of assets, and can only be used for those purposes specified in the capital finance and accounting regulations<sup>4</sup> in England, Northern Ireland and Wales and for capital purposes in Scotland.
27. The Code recommends that earmarked reserves are reported on the face of the Movement in Reserves Statement. Particularly significant movements might need to be reported individually on the face of the Statement to ensure key messages are presented clearly to users. However, effective reporting may either as an alternative or as a supplementary report necessitate similar disclosures in the notes to the financial statements (see paragraphs 3.4.2.41 and 3.4.2.42 of the Code which are also included in Appendix D for ease of reference).
28. When establishing reserves, local authorities need to ensure that they are complying with the Code and in particular the need to distinguish between reserves and provisions. Definitions of reserves and provisions are included in Appendix D of this Bulletin.
29. The introduction of the IFRS-based Code on 1 April 2010 has meant that grant income should be recognised in the Comprehensive Income and Expenditure Statement (and therefore against the General (Council) Fund or HRA Balances for

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<sup>3</sup> *The Statutory Basis for Accounting and Disclosing Reserves in Local Authorities in Scotland* [LASAAC, 2005] states "Useable capital receipts reserves are considered to be allowable under the power contained within Schedule 3, para 22 of the 1975 Act. Such a reserve effectively acts as a subset of the capital reserve specifically permitted by legislation."

<sup>4</sup> The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, as amended, The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003, as amended and the Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011.

revenue grants) where grant payment is unconditional or grant conditions have been satisfied<sup>5</sup>. The Code Guidance Notes recommend<sup>6</sup> that where these grants have been received prior to the expenditure having taken place authorities should consider establishing earmarked reserves. This will ensure that amounts are set aside from the General (or Council) Fund and HRA balances in earmarked reserves to provide financing to meet the requirements of the grant. The amounts set aside will be posted back from earmarked reserves to meet General Fund and HRA expenditure in future years. It is likely therefore that since the introduction of the IFRS-based Code there is an increased tendency to hold earmarked reserves.

30. The statutory reporting regime described earlier and effective financial management underpin the need for clear, transparent reporting arrangements for reserves and therefore in addition to the financial reporting requirements above, LAAP recommends that for each earmarked reserve (earmarked portion of the general fund in Scotland) held by a local authority there should be a clear protocol setting out:
- the reason for / purpose of the reserve;
  - how and when the reserve can be used;
  - procedures for the reserve's management and control; and
  - a process and timescale for review of the reserve to ensure continuing relevance and adequacy.

#### PRINCIPLES TO ASSESS THE ADEQUACY OF RESERVES

31. In order to assess the adequacy of unallocated general reserves when setting the budget, chief finance officers should take account of the strategic, operational and financial risks facing the authority. Where authorities are being reorganised, this assessment should be conducted on the basis that the services will continue to be provided, and adequate reserves will therefore be required by successor authorities. The assessment of risks should include external risks, such as flooding, as well as internal risks, for example, the ability to deliver planned efficiency savings. In England and Wales, statutory provisions require authorities to review at least once in a year the effectiveness of their system of internal control, which will include risk management. The CIPFA/SOLACE framework *Delivering Good Governance in Local Government* details an approach to giving assurance that risk, control and governance matters are being addressed in accordance with best practice.
32. The Codes of Audit Practice in England, Wales, Scotland and Northern Ireland make it clear that it is the responsibility of the audited body to identify and address its operational and financial risks, and to develop and implement proper arrangements to manage them, including adequate and effective systems of internal control. The financial risks should be assessed in the context of the authority's overall approach to risk management.

Budget Assumptions	Financial standing and management assessment/impact
The treatment of inflation and interest rates	The overall financial standing of the authority (level of borrowing, debt outstanding, council tax collection rates)

<sup>5</sup> See Code of Practice on Local Authority Accounting in the United Kingdom Section 2.3.

<sup>6</sup> See *Code of Practice on Local Authority Accounting in the United Kingdom Guidance Notes for Practitioners 2013/14 Accounts*, paragraphs C39 and C40.

	<p>etc.). Rises in the prices of some commodities, eg fuel, highlight the relevance of using a number of inflation rates in the budget and financial strategy, and considering whether general reserves are adequate to deal with unexpected increases. Volatility in the financial markets also points to the need to consider investment and borrowing risks and their impact on income.</p>
<p>Estimates of the level and timing of capital receipts</p>	<p>The authority's track record in budget and financial management including the robustness of the medium term plans. Authorities will also need to take into account changes in the property market, and adjust estimates and assumptions for reserves accordingly.</p>
<p>The treatment of demand led pressures</p>	<p>The authority's capacity to manage in-year budget pressures, and its strategy for managing both demand and service delivery in the longer term.</p>
<p>The treatment of planned efficiency savings/ productivity gains</p>	<p>The strength of the financial information and reporting arrangements. The authority should also be in a position to activate contingency plans should the reporting arrangements identify that planned savings or gains will either not be achieved or be delayed.</p>
<p>The financial risks inherent in any significant new funding partnerships, major outsourcing arrangements or major capital developments</p>	<p>The authority's virement and end of year procedures in relation to budget under/overspends at authority and department/directorate level. Risk management measures in relation to partnerships, including consideration of risk allocation. Contract provisions designed to safeguard the authority's position in the event of problems arising from outsourcing arrangements.</p>
<p>The availability of reserves, government grants and other funds to deal with major contingencies and the adequacy of provisions</p>	<p>The adequacy of the authority's insurance arrangements to cover major unforeseen risks. When considering insurance cover, the structure of the cover as well as the overall level of risk should be taken into account. Risk assessments should be used when balancing the levels of insurance premiums and reserves.</p>
<p>The general financial climate to which the authority is subject</p>	<p>External factors, such as future funding levels expected to be included in Spending Reviews and expected referenda principles and limits, will influence an authority's ability to replenish reserves once they have been used. Any plans for using reserves will</p>

	need to consider the need and ability of the authority to replenish the reserves, and the risks to which the authority will be exposed whilst replenishing the reserves.
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Whilst many of these factors relate to setting the annual budget, the level of risk and uncertainty associated with these factors will be relevant in determining an appropriate level of reserves.

33. Authorities have been faced by increasing financial pressures since 2008. This has been followed by a period of significant reduction in government funding which is anticipated to continue for some time, ie the spending review 2013 announced that the government will reduce total spending in 2015/16, 2016/17 and 2017/18 in real terms at the same rate as during the spending review 2010 period. Demands on local government services continue to increase. In addition to reduction in government funding other pressures include:

- councils striving to constrain council tax increases,
- reductions of income,
- new service demands and responsibilities such as:
  - the transfer of public health functions
  - the localisation of non-domestic rates retention, council tax freezes and council tax benefits/support
- severe weather and floods.

Furthermore, events such as the losses in Icelandic banks and the problems in global financial markets are likely to mean that Councils will focus on cautious investment strategies. Council budgets and reserves have remained under pressure and are likely to continue to do so for some time.

34. The many factors involved when considering appropriate levels of reserves can only be assessed properly at a local level. A considerable degree of professional judgement is required. The chief finance officer may choose to express advice on the level of balances in cash and/or as a percentage of budget (to aid understanding) so long as that advice is tailored to the circumstances of the authority. The Audit Commission Report (December 2012) *Striking a Balance* makes a number of recommendations to both Chief Finance Officers and elected members to better assist councils in their decision making. Similarly the Accounts Commission in its report *An overview of local government in Scotland 2014*<sup>7</sup> commented that more needs to be done to provide information on why reserves are held, how this fits with the councils financial strategy and how they will be used. The principles and financial reporting established in this and the previous LAAP bulletins on reserves will provide for the information requirements and an appropriate framework for this.

35. The advice should be set in the context of the authority's risk register and medium term plans and should not focus exclusively on short-term considerations. Balancing the annual budget by drawing on general reserves may be viewed as a legitimate short-term option. However, it is not normally prudent for reserves to be deployed

<sup>7</sup> Issued by the Accounts Commission in March 2014



to finance recurrent expenditure. CIPFA has commented<sup>8</sup> that Councils should be particularly wary about using one off reserves to deal with shortfalls in current funding. Where such action is to be taken, this should be made explicit, and an explanation given as to how such expenditure will be funded in the medium to long term. Advice should be given on the adequacy of reserves over the lifetime of the medium term financial plan, and should also take account of the expected need for reserves in the longer term.

36. Events such as the floods and severe weather that occurred earlier this year (2014) and previously in the floods during the summers of 2007 and 2008 have emphasised the need for authorities to be prepared for major unforeseen events. Adequate insurance cover combined with appropriate levels of reserves will enable authorities to manage the demands placed on them in such circumstances. However, these arrangements need to take account of all possible scenarios. An example quoted in the Audit Commission report *Staying Afloat* is that the total cost of the flooding was reduced where authorities had specifically considered the impact of a wide scale, serious event affecting many assets, and had taken appropriate action, for example, negotiating insurance policies that capped the total excesses linked to one event.
37. Part of the risk management process involves taking appropriate action to mitigate or remove risks, where this is possible. This in turn may lead to a lower level of reserves being required, and it would be appropriate to consider reducing the level of balances held where appropriate action to mitigate or remove risks has been successfully undertaken. A balance will need to be found between maintaining adequate levels of reserves and investing in risk reduction measures. This balance should form part of the risk management process and be considered as part of the annual budget process.
38. Emergency financial assistance from central government may be available to assist authorities in dealing with the immediate consequences of major unforeseen events, normally under the Emergency Financial Assistance to Local Authorities scheme (commonly known as the 'Bellwin' scheme). However, there is no automatic entitlement to financial assistance, and where financial assistance is given, it will not cover all of the costs even in exceptional circumstances. Further details of the scheme are available on the relevant government web sites (links can be found in Appendix C of this bulletin). Authorities should plan to have access to sufficient resources (through reserves, insurance or a combination of both) to cover the costs of recovering from events that are likely to be unavoidable.
39. When considering the level of reserves, it would be appropriate for authorities to take into account the likely level of Government support that would be available, and to consider how the balance would be funded in the event of an unforeseen event occurring.
40. Flooding, the effects of severe weather and the impact of the problems experienced by the global financial markets are examples of external risks which local authorities may need to take into account in setting levels of reserves and wider financial planning. An assessment of external risks should not be limited to those issues, but should range more widely, to take account of all significant external risks identified through the authority's risk management processes.

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<sup>8</sup> See comments by CIPFA Chief Executive *Building up council reserves to protect the public from future financial problems is good financial management* – CIPFA <http://www.cipfa.org/about-cipfa/press-office/latest-press-releases/building-up-council-reserves>

### EXTRACT FROM LAAP BULLETIN 55

#### 7 A New Reporting Framework

- 7.1 The finance director has a fiduciary duty to local taxpayers, and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 7.2 The level and utilisation of reserves will be determined formally by the Council, informed by the advice and judgement of the finance director<sup>9</sup>. To enable the Council to reach its decision, the finance director should report the factors that influenced his or her judgement, and ensure that the advice given is recorded formally. Where the finance director's advice is not accepted this should be recorded formally in the minutes of the council meeting.
- 7.3 It is recommended that:
- the budget report to the Council should include a statement showing the estimated opening general reserve fund balance for the year ahead, the addition to/withdrawal from balances, and the estimated end of year balance. Reference should be made as to the extent to which such reserves are to be used to finance recurrent expenditure
  - this should be accompanied by a statement from the finance director on the adequacy of the general reserves and provisions in respect of the forthcoming financial year and the authority's medium term financial strategy
  - a statement reporting on the annual review of earmarked reserves (including schools' reserves) should also be made at the same time to the Council. The review itself should be undertaken as part of the budget preparation process. The statement should list the various earmarked reserves, the purposes for which they are held and provide advice on the appropriate levels. It should also show the estimated opening balances for the year, planned additions/withdrawals and the estimated closing balances.

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<sup>9</sup> LAAP Bulletin 99 normally refers to Chief Finance Officers – previous editions of this Bulletin referred to Finance Directors.

### EXTRACT FROM LAAP BULLETIN 77

27. "...Alternative arrangements, for example mutual aid agreements, may help to reduce the reliance on reserves or insurance. The Pitt Review into the 2007 floods, although specifically focused on England, will be of relevance to all local authorities. This recommended that "Local authorities should continue to make arrangements to bear the cost of recovery for all but the most exceptional emergencies, and should revisit their reserves and insurance arrangements in light of last summer's floods." The Government's position remains that it is primarily the local authority's responsibility to bear such costs, and authorities should note this position when considering the appropriate level of reserves."
  
28. "... However, both the Pitt Review and Staying Afloat noted that most central government assistance provided to local authorities in relation to the 2007 floods was ad hoc in nature. The government has been keen to stress that they should not be seen as setting a precedent and should not be relied on in the future. Authorities will therefore need to make their own assessments of the likely level of support. "

### FURTHER INFORMATION:

*The Pitt Review* can be downloaded from:

[http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final\\_report.html](http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html)

*Staying Afloat* can be downloaded from:

[http://archive.audit-commission.gov.uk/auditcommission/SiteCollectionDocuments/AuditCommissionReports/NationalStudies/StayingAfloat\\_REP14Dec07.pdf](http://archive.audit-commission.gov.uk/auditcommission/SiteCollectionDocuments/AuditCommissionReports/NationalStudies/StayingAfloat_REP14Dec07.pdf)

Both reports provide additional advice to local authorities on planning for and managing the financial impacts of exceptional events.

LASAAC Guidance on Reserves in Scotland can be downloaded from:

<http://www.cipfa.org/regions/scotland/policy-and-technical/local-authority-scotland-accounts-advisory-committee/guidance-and-publications/accounting-for-interest-on-reserves>

Details of the Emergency Financial Assistance (Bellwin) Scheme can be downloaded from:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/210953/The\\_Bellwin\\_Scheme\\_of\\_Emergency\\_Financial\\_Assistance\\_to\\_Local\\_Authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210953/The_Bellwin_Scheme_of_Emergency_Financial_Assistance_to_Local_Authorities.pdf)

<http://www.scotland.gov.uk/Topics/Government/local-government/17999/Bellwin>

<http://wales.gov.uk/topics/localgovernment/finandfunding/emergency/publications/efas-guidance-notes-14-15/?lang=en>

The Audit Commission Report *Striking a Balance* can be downloaded from:

<http://www.audit-commission.gov.uk/2012/12/striking-a-balance-improving-councils-decision-making-on-reserves/>

Accounts Commission *An overview of local government in Scotland 2014* (March 2014) can be accessed at:

[http://www.audit-scotland.gov.uk/docs/local/2014/nr\\_140327\\_local\\_government\\_overview.pdf](http://www.audit-scotland.gov.uk/docs/local/2014/nr_140327_local_government_overview.pdf)

## Appendix D

### CODE OF PRACTICE ON LOCAL AUTHORITY ACCOUNTING IN THE UNITED KINGDOM DEFINITIONS (AND RELEVANT EXTRACTS OF) RESERVES AND PROVISIONS

#### CHAPTER TWO: CONCEPTS AND PRINCIPLES

**2.1.2.25 Reserves** – the residual interest in the assets of the authority after deducting all its liabilities. The Movement in Reserves Statement shows the true economic cost of providing the authority's services, represented by the line 'Surplus or (deficit) on the provision of services'. Some income and expenditure is required to be recognised on a different basis or in a different accounting period (ie in accordance with legislation) in the General Fund and Housing Revenue Account. These differences are shown in the line 'Adjustments between accounting basis and funding basis under regulations'. Voluntary transfers to or from the General Fund Balance and Housing Revenue Account Balance also affect the amount to be funded from council tax or council dwelling rents; these are shown in the line 'Transfers to or from reserves available to fund services'. The Movement in Reserves Statement also shows Other Comprehensive Income and Expenditure, for example revaluation gains.

#### CHAPTER THREE: FINANCIAL STATEMENTS

**3.4.2.41** The classification of reserves presented in the Movement in Reserves Statement shall include the following items; authorities may choose to present additional items on the face of the statement:

- a) General Fund Balance (in Scotland, includes earmarked portion of General Fund Balance)
- b) Earmarked General Fund Reserves (not Scotland) (recommended but not mandatory)
- c) Housing Revenue Account Balance (in Scotland, includes earmarked portion of Housing Revenue Account Balance)
- d) Earmarked Housing Revenue Account Reserves (not Scotland) (recommended but not mandatory)
- e) Major Repairs Reserve (England and Wales)
- f) Revenue statutory funds (Scotland)
- g) Capital Receipts Reserve (England and Wales); Capital statutory funds (Scotland)
- h) Capital Grants Unapplied Account
- i) Total usable reserves
- j) Unusable reserves
- k) Total reserves of the authority
- l) Authority's share of the reserves of subsidiaries, associates and joint ventures (Group Accounts only)
- m) Total reserves (Group Accounts only).

**3.4.2.42** A local authority shall present, either in the Movement in Reserves Statement or in the notes, an analysis of the amounts included in each item of the classification of reserves required by paragraph 3.4.2.41. This analysis shall present amounts held for capital purposes separately from those held for revenue purposes, and shall separately identify the total reserves held by schools.

#### CHAPTER EIGHT: LIABILITIES

**8.2.2.9** A **provision** is a liability of uncertain timing or amount.

**8.2.2.12** A provision shall be recognised when:

- an authority has a present obligation (legal or constructive) as a result of a past event
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation, and
- a reliable estimate can be made of the amount of the obligation.

**8.2.2.13** If the above conditions are not met, no provision shall be recognised.

**8.2.2.14** In some cases it is not clear whether there is a present obligation. In these cases, a past event is deemed to give rise to a present obligation if, taking account of all available evidence, it is more likely than not that a present obligation exists at the reporting date. A past event that leads to a present obligation is called an obligating event.

## Report of the Head of Legal, Democratic Services & Procurement

**Cabinet – 20 August 2015**

### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	15a	14 & 16
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

## 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as

set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.



## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p><b>a)</b> Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p><b>b)</b> Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p><b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b>  <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b>  <b>(b) To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

By virtue of paragraph(s) 14, 16 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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