



**CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale CF40 2XX

Meeting Contact: Council Business Unit Councilbusiness@rctcbc.gov.uk

YOU ARE SUMMONED to a meeting of **OVERVIEW AND SCRUTINY 2022-2027 COMMITTEE** to be held at the on **TUESDAY, 31ST OCTOBER, 2023** at **11.30 AM**.

Non Committee Members and Members of the public may request the facility to address the Committee at their meetings on the business listed although facilitation of this request is at the discretion of the Chair. It is kindly asked that such notification is made to Democratic Services by Monday 30th October 3.30PM on the contact details listed above, including stipulating whether the address will be in Welsh or English.

It is the intention to live stream this meeting, details of which can be accessed [here](#)

AGENDA

**Page
No's**

1. DECLARATIONS OF INTEREST

To receive disclosures of personal interest from Members in accordance with the Code of Conduct

Note:

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest: and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chairman when they leave.

2. CALL IN OF THE CABINET DECISION OF THE COMMISSIONING OF DOMICILIARY HOME CARE SERVICES

To consider the decision taken by Cabinet on the 23rd October 2023 in respect of the Commissioning Of Domiciliary Home Care Services

3. URGENT BUSINESS

To consider any items, which the Chairman, by reason of special circumstances, is of the opinion should be considered at the meeting as a matter of urgency.

4. CHAIRS REVIEW AND CLOSE

Service Director of Democratic Services & Communication

Circulation:-

The Chair and Vice-Chair of the Overview and Scrutiny 2022-2027 Committee (County Borough Councillor J Edwards and County Borough Councillor B Stephens respectively)

County Borough Councillors:- Councillor M Ashford, Councillor R Bevan, Councillor J Bonetto, Councillor R Davis, Councillor S Evans, Councillor S Evans, Councillor C Middle, Councillor K Morgan, Councillor S Morgans, Councillor G L Warren, Councillor M Powell and Councillor S Emanuel

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023/24

SPECIAL OVERVIEW & SCRUTINY COMMITTEE

31 OCTOBER 2023

**CALL IN OF THE CABINET DECISION OF THE COMMISSIONING OF
DOMICILIARY HOME CARE SERVICES**

**REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATION**

1. MEMBERS WILL FIND ENCLOSED:

Appendix A – Report to accompany Cabinet Decision of the Cabinet Member for Health and Social Care titled [Commissioning of Domiciliary Home Care Services](#)

Appendix B - Copy of the [Cabinet Decision](#)

Appendix C –Extract of the Council’s Overview and Scrutiny Procedure Rules re: Call-in

Appendix D – Copy of the Call in form received from Councillor K Morgan, Councillor C Lises and Councillor K Johnson

2. RECOMMENDATIONS:

- 2.1 To note the procedure for the conduct of the meeting as set out in paragraph 4.1 below; and
- 2.2 To determine whether or not to refer the matter back to Cabinet for reconsideration.

3. BACKGROUND

- 3.1 On the 23 October 2023, a report was considered by Cabinet in respect of the decision to approve the recommendations outlined below:

- To consider the information provided in the report, the Equality Impact Assessment (including Socio-Economic Duty) and Welsh Language Impact Assessment;
- To approve that all reablement and intermediate care services continue to be delivered by the Council's in-house 'Support@Home' Service as set out in paragraph 5.1 of the [report](#)
- To approve that all long-term home care is commissioned from external home care providers as part of a full retender of the current framework contract and a new contract awarded from 1st October 2024 as set out in paragraph 5.2 of the [report](#);
- To approve the retender of the long-term home care on the basis of outcomes to be achieved and organised within specified geographical zoned areas as set out in paragraph 5.6 of the report; and
- That the Director of Social Services is delegated authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.

3.2 Following consideration at the Cabinet meeting, a further three recommendations were proposed and agreed as follows:

- The protection of membership for staff within the Local Government Pension Scheme to be factored into the procurement process to be taken forward;
- The recognition of Trade Unions to be factored into the procurement process to be taken forward; and
- That no compulsory redundancies are taken forward through the implementation of these proposals.

3.3 The decision in respect of the above was published on the 23rd October 2023 and is attached at Appendix B.

3.4 Members are able to view the Cabinet meeting where the matter was considered by clicking [here](#) to view the recording.

3.5 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is attached as Appendix C of this report.

3.6 The call-in form was received on the 26th October 2023 which complied with the relevant criteria. (A copy of the prescribed call in form is attached as Appendix D)

3.7 The reasons for the call-in which were considered valid by the Proper Officer are presented for the Committees consideration below.

4. **PROCEDURE**

- 4.1 Each case for Call-in must be considered on its merits and the procedure for the conduct of the meeting will be in accordance with the Overview and Scrutiny Procedure Rule 17.1B, as shown below:-

17.1 Procedure at call-in meetings held under Rule 17.1

1. Declarations of interest (including whipping declarations);
2. Welcome by the Chair followed by the outlining of the reason for the call-in meeting, to be undertaken by the Head of Democratic Services as per detailed below:-

Call –in matters raised for consideration by the committee supported by the Proper Officer :

- 1) There has been no consultation with staff, trade unions, service users or the public prior to cabinet adopting a major change in policy, i.e. commissioning 100% of the long-term homecare service, despite the council’s public participation strategy claiming it values the users voice and the reasons for doing so being good practice.
- 2) There has been no opportunity for the Overview and Scrutiny Committee or the Community Services Scrutiny Committee to pre-scrutinise the proposal before cabinet made the decision. Until the cabinet member put out a press statement a few days before cabinet considered the proposal no other members knew that such a matter was even being considered.
- 3) There is no precise information given as to the potential for budget savings, however the proposal has been described as cost effective.
- 4) There is a need to gain a better understanding of the potential impact of the decision both positive and negative.
- 5) There is an obvious need to hold cabinet to account and pre scrutinise decisions that affect our constituents and staff.

3. Chair to invite the three Members, namely County Borough Councillors:

Councillor K Morgan, Councillor C Lises and Councillor K Johnson who have signed the call-in form to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the accepted valid reasons set out in the ‘notice of call-in form.

4. *Chair to invite relevant Director(s) to respond.*
5. *Chair to give any Cabinet Member(s) present the opportunity to address the Committee.*
6. *Chair to invite any other Members of the Committee to speak (and with the Chair’s permission any non-Committee Members present, who are eligible to*

attend, and wish to speak).

- 7. If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.*
 - 8. Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.*
 - 9. Chair to put the matter to the vote.*
 - 10. Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f)*
- 4.2 If the proposal to refer the matter back for reconsideration is passed then the matter will be referred back to the decision maker, namely the Cabinet. If the proposal is lost then the decision will take effect from the conclusion of this meeting.
 - 4.3 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the Call In.
 - 4.4 Should any public speaker requests be received, they will be considered in accordance with the Council Scrutiny participation arrangements.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 2023

COMMISSIONING OF DOMICILIARY HOME CARE SERVICES

**REPORT OF THE DIRECTOR OF SOCIAL SERVICES IN DISCUSSIONS
WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR CAPLE**

**Author: Neil Elliot, Director of Social Services
Sian Nowell, Interim Service Director, Care and Support
Delivery, Integration and Transformation**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to make recommendations with regards to the commissioning of domiciliary home care services.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Considers the information provided in this report, the Equality Impact Assessment (including Socio-Economic Duty) and Welsh Language Impact Assessment.
- 2.2 Subject to 2.1 above, approves that **all** reablement and intermediate care services continue to be delivered by the Council's in-house 'Support@Home' Service as set out in paragraph 5.1 of this report.
- 2.3 Subject to 2.1 above, approves that **all** long-term home care is commissioned from external home care providers as part of a full retender of the current framework contract and a new contract awarded from 1st October 2024 as set out in paragraph 5.2 of this report.
- 2.4 Subject to 2.3 above, approves the retender of the long-term home care on the basis of outcomes to be achieved and organised within specified geographical zoned areas as set out in paragraph 5.6 of the report.
- 2.5 Subject to 2.3 and 2.4 above, the Director of Social Services is

delegated authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.

3 REASONS FOR RECOMMENDATIONS

3.1 The proposals recommended will ensure that Adult Services:

- continues to support people to be as independent as possible by continuing to provide an in-house reablement and intermediate care service.
- commissions a sustainable model of long-term home care that achieves best value and sustainability of our care offer in the future without reducing the availability of service provided to people in need of home care support.
- improves the long-term home care service specification and commissioning arrangements to enhance individuals and home care workers experience.

4. BACKGROUND

4.1 In Rhondda Cynon Taf, we have two well established approaches to providing and commissioning domiciliary home care services:

4.2 Reablement and intermediate care

Reablement and intermediate care is considered to be best practice in terms of a preventative service. A priority service for Welsh Government. The service provided is a short-term programme that helps the person to restart doing things for themselves and become more independent. Often the person has this service because they have lost some ability after an illness or accident and they need to recover their strength and function, learn how to use aids and adaptations, or learn how to help themselves differently with the function they have remaining. The key aim is for the person to be able to live without any ongoing service at the end of the programme although for some an equally successful outcome would be to significantly reduce their reliance on formal care.

In 2022/23, 1089 new people completed a reablement and intermediate care programme, of which 62.8% were independent as a result of the service intervention.

4.3 Long-term home care

Long-term home care provides personal care and support for people who can no longer undertake these tasks for themselves, with the aim of keeping people safely in their own home for as long as possible despite many health and disability challenges. In the main, tasks include washing, bathing, dressing, helping people to use the toilet, help with moving about their home, continence and skin care, help to eat and drink, take medication and facilitate shopping.

The long-term home care service is extensive, and care is provided throughout the day and week to make sure people can access help from first thing in the morning when people are getting up to last thing at night when they go to bed. Continuity and reliability are especially valued in the long-term home care service, and it works particularly well where there is a consistent team of care workers assigned.

The long-term home care service is delivered according to an estimate of call times and a detailed description of the tasks required as established at the point of the social work assessment. This leaves very little flexibility to change the pattern of care day to day or month to month and runs contrary to the principle of empowering people to have choice and control over their lives and care and support arrangements.

4.4 The Council's in-house 'Support@Home' service currently delivers both approaches, employing 304 staff:

- 81 reablement and intermediate care workers.
- 173 long-term home care workers
- 50 indirect supervisory and planning staff across reablement and intermediate care and long-term home care.

4.5 External providers are commissioned to deliver the long-term home care service provision only.

4.6 As of 23rd September 2023, approximately 1475 people were receiving domiciliary home care support, 182 in reablement intermediate care and 1293 in long term care (135 internally and 1158 externally).

4.7 In Adult Services, we currently commission around 915,720 hours of domiciliary home care per annum through these two approaches, of which 94.5% are long term home care hours. Long-term home care is provided from a mixed economy of both internal and external service providers, with just under 90% of provision provided by the external providers. At present 84.4% of the total hours of care are commissioned from external providers. The table below shows the split by approach between internal and external service provision:

Provider	Reablement and intermediate services		Long-term home care services		Total domiciliary home care services	
	Hours	%	Hours	%	Hours	%
In-house	50,336	100	92,820	10.7	143,156	15.6
External	-	-	772,564	89.3	772,564	84.4
Total	50,366	100	865,384	100	915,720	100

- 4.8 The demand for long-term home care has steadily increased over recent years, and as is the case across social care, there is an increase in the intensity, complexity and unpredictability of need for people that are living longer at home with more significant illness, disability and expectation. Domiciliary home care capacity is not increasing in line with the increase in demand and therefore capacity remains a risk across all providers including the in-house service with regards to the Council's obligation to meet the demand.
- 4.9 Adult Services has substantial experience of commissioning long-term home from external home providers. The current long-term home care framework contract with 7 external providers commenced in October 2016 and has 2 'break clauses', the first at year 6, in October 2022, which was invoked and the second in October 2024. The external framework providers vary in their capacity to deliver but all require partnership support and good relationships with services, the purchasing and commissioning team, social work teams and the social care workforce development team to support ongoing contract compliance and quality assurance.
- 4.10 Due to well documented workforce constraints during and following the pandemic the original geographic lots for the framework contract providers have eroded. The number of framework providers were increased from 5 to 7 in 2021 and 4 non-framework "spot" external providers are currently used to ensure the Council is able to discharge its duty of care when there are peaks in demand. It is expected that Adult Services will need to continue to use these providers until a new Framework contract is procured.
- 4.11 Despite the additional capacity, external providers are working across patches often resulting in different providers delivering services to people living in the same street and also the expectation on workers to operate across wider geographic areas requiring longer travel distances between calls. This deployment creates inefficiencies for the service overall and has led to a reduction in capacity and a lack of flexibility in the workforce.

5 REVISED COMMISSIONING PROPOSALS

- 5.1 Reablement and intermediate care will remain a priority service for Adult Services in order to ensure we continue to deliver the Council's aspirations to improve people's ability to be independent. The reablement and intermediate care service is currently only provided by the Council's in-house 'Support@Home' service, and it is proposed that this commissioning approach continues.
- 5.2 It is proposed that all long-term home care is commissioned by external providers as part of a full retender of the current framework contract and a new contract award from 1st October 2024. If agreed by Cabinet, this will mean that all in-house long-term home care delivered by the Council's 'Support@Home' service is transferred to external providers. The proposed commissioning change of long-term home care will help achieve best value and sustainability of commissioned care in the future.
- 5.3 It is important to note that any service transfer for any individual between care provider will maintain their current care package, subject to the usual review arrangements. TUPE requirements mean that eligible staff employed by 'Support@Home' to provide long-term home care and any current commissioned external provider prior to transfer will transfer to the new provider on retender. This will help to maintain stability for the service user and continuity of staff support around the maintenance of activities and support for health and wellbeing during any transition.
- 5.4 It will be a requirement of both the Council as the existing provider and any new provider to work together to manage any anxiety or worries that service users and their families have about the change of provider users and inform commissioners of any issues that may arise.
- 5.5 The Social Services and Wellbeing (Wales) Act 2014 promotes outcome-based care commissioning that is more focussed on what the person wants to achieve (within agreed financial parameters) for example:

Mrs Jones is 90 years old and suffers with arthritis and general frailty. She has a home care worker call at 9am each morning for 30 minutes to help her get up, washed, dressed, have breakfast and a cup of tea.

On good days she can do this herself and doesn't need the full 30 minutes but on bad days she needs longer – this poses a problem for the worker as on the good days she still has to stay for the 30 minutes and on the bad days she is rushing and Mrs Jones is struggling to keep up.

The outcome that matters for Mrs Jones is to be up and ready for the day and this could be better achieved if the worker could focus on that rather than how long she is able to spend on the call. An outcome-based commission would focus on the average time required overall (say over the period of a month) rather than on the rigid daily slot.

5.6 Whilst the specification for our existing framework contract sets out in detail Adult Services expectations of quality and control the contract is based on the purchase of times and tasks. There are many perceived benefits of moving to an outcome-based commissioning approach, like the example above, which is in line with the Welsh Government direction at this time. It is therefore recommended that the service specification for our retendered framework contract, if agreed, includes the requirement to deliver services according to the achievement of personal outcomes and that any procurement process is tendered on the basis of specific geographical zones to improve the efficiency and logistics for staff deployment locally, leading to increased staff recruitment and retention and improved user experience.

5.7 Subject to agreement of the recommendations in Section 2 above, these commissioning proposals will require engagement with all people in receipt of long-term home care and their families and staff. In addition, all staff, service users and carers will receive regular communications on how they will be involved in the retender long-term care home services.

6. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

6.1 An Equality Impact Assessment has been completed (attached at Appendix 1) reviewing the impact of the proposal to commission a model of long-term home care that achieves best value and sustainability without reducing the availability of service provided to individuals, as recommended in Section 2 above.

6.2 The recommended proposal has some disproportionate impacts on people who are older, have disabilities, are carers, and are women. Adult Services will take account of the challenges which all affected individuals, their families and staff may face, both in terms of participation in engagement activity and in ensuring that the impact of any changes is mitigated as detailed in the impact assessment, if they are to be implemented.

6.3 Following any procurement process and contract award the service would engage with all affected individuals, their families and staff to address any concerns or questions they may have, and the impact assessment will be reviewed and updated to include any further mitigated risks identified during ongoing engagement activity.

7. WELSH LANGUAGE IMPLICATIONS

- 7.1 There are no negative or adverse Welsh Language implications associated with implementing the recommendations set out in Section 2 above.

8. CONSULTATION / INVOLVEMENT

- 8.1 Subject to the agreement of the recommendations in Section 2 above, all people supported by the Council's 'Support@Home' service and their families will be kept fully informed of the process and timescales for service transfer. Following any procurement process and contract award the service would engage with all affected individuals to address any concerns or questions they may have. There would also be opportunities for individuals to meet with the new providers to discuss any queries they may have. Should a person be unbefriended then an individual advocate will be offered to support.

- 8.2 Similarly, Council's 'Support@Home' staff would be kept fully informed of progress at each stage of the tender and transfer process and updated in relation to key milestones and timescales. Further work is required with Human Resources to determine which staff will be eligible for TUPE as part of the retender process. Under TUPE there would be no changes to staff terms and conditions of employment, noting that support, as appropriate, would be available to staff throughout the process.

9. FINANCIAL IMPLICATION(S)

- 9.1 The total domiciliary home care budget for 2023/24 totals £21.52m comprising of £3.165m for reablement and intermediate care and £18.355m for long term care, of which £4.941m is for the Council's in-house provision and £13.412m for commissioned external care.
- 9.2 The unit cost of our commissioned external providers is, on average, estimated at £21.81 per hour, which is lower than the Council's in-house long-term home care service, estimated at £38.04 per hour. The high hourly rate of the in-house service is due to a number of factors but primarily the management costs, local authority pension and other terms and conditions.
- 9.3 Subject to the agreement of the recommendations in Section 2 above, any financial implications resulting from the commissioning changes of domiciliary home care will be factored into the Council's Medium Term Financial Plan in due course. Whilst the proposals would provide a

more cost-effective solution to the current arrangements, the cost will be subject to competition and other wider market forces.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

10.1 Domiciliary home care services have been provided as part of the Councils service provision to meet assessed needs under the Social Services and Wellbeing (Wales) Act 2014, but it is not a specific statutory provision.

10.2 Subject to the agreement of the recommendations in Section 2 above, all existing individuals will continue to be offered support on an individual basis ensuring their assessed needs continue to be met in line with our statutory obligations.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELLBEING OF FUTURE GENERATIONS ACT

11.1 This report supports two of the Council's corporate priorities, namely:

- People - promoting independence and positive lives for everyone.
- Living within our means - where services are delivered efficiently to achieve value for money for the taxpayer.

11.2 In addition, the report considers the following Well-Being of Future Generations (Wales) Act 2015 wellbeing goals of: A Healthier Wales and more equal Wales.

12 ELECTORAL WARDS AFFECTED

12.1 This applies to all electoral wards.

13 CONCLUSION

13.1 It is important that the Council reviews its adult social care provision to ensure its current care and support offer continues to meet assessed need and remains cost effective. Through the implementation of recommended proposals in Section 2 above, Adult Services will:

- continue to support people to be as independent as possible by continuing to provide an in-house reablement intermediate care service.
- commission a sustainable model of long-term home care that achieves best value and sustainability of our care offer in the future without reducing the availability of service provided to people in need of home care support.

- improve the long-term home care service specification and commissioning arrangements to enhance the service user and home care worker experience.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 2023

FUTURE COMMISSIONING OF DOMICILIARY HOME CARE

**REPORT OF THE DIRECTOR OF SOCIAL SERVICES IN DISCUSSIONS
WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR CAPLE**

Background Papers

None

Officer to contact: Sian Nowell



RHONDDA CYNON TAF COUNCIL

RECORD OF DECISIONS OF THE EXECUTIVE

DECISION MADE BY: Cabinet DATE DECISION MADE: 23 October, 2023

Cabinet Members Present:

Councillor A Morgan (Chair), Councillor G Caple, Councillor A Crimmings,
Councillor R Lewis, Councillor C Leyshon, Councillor M Norris and
Councillor B Harris

Apologies for Absence:

Councillor M Webber

Other Councillor(s) in Attendance:-

Councillor C Lises
Councillor K Morgan

Agenda Item : 3

SUBJECT: Future Commissioning of Domiciliary Home Care

1. DECISION MADE:

Agreed –

1. To consider the information provided in this report, the Equality Impact Assessment (including Socio-Economic Duty) and Welsh Language Impact Assessment;
2. To approve that **all** reablement and intermediate care services continue to be delivered by the Council's in-house 'Support@Home' Service as set out in paragraph 5.1 of the report;
3. To approve that **all** long-term home care is commissioned from external home care providers as part of a full retender of the current framework contract and a new contract awarded from 1st October 2024 as set out in paragraph 5.2 of the report;
4. To approve the retender of the long-term home care on the basis of outcomes to be achieved and organised within specified geographical zoned areas as set out in paragraph 5.6 of the report; and
5. That the Director of Social Services is delegated authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.

In addition to the above-mentioned recommendations (2.1 to 2.5) as contained within the report, the Cabinet **AGREED:**

6. The protection of membership for staff within the Local Government Pension Scheme to be factored into the procurement process to be taken forward;
7. The recognition of Trade Unions to be factored into the procurement process to be taken forward; and
8. That no compulsory redundancies are taken forward through the implementation of these proposals.

With the agreement of the Leader, the following Non-Committee Members were granted permission to address the Cabinet:

- County Borough Councillor K. Morgan
- County Borough Councillor C. Lises

With the agreement of the Leader, the following Trade Union representatives were granted permission to address the Cabinet:

- Mr P Crews (Unison)
- Mr G Morgans (GMB)

N.B- Following the contributions of the speakers listed above, the Leader was handed a petition in respect of the matter.

2. REASON FOR THE DECISION BEING MADE:

The need to make recommendations with regards to the commissioning of domiciliary home care services.

3. LINKS TO CORPORATE PRIORITIES/FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT:

The report supports two of the Council's corporate priorities, namely:

- People - promoting independence and positive lives for everyone.
- Living within our means - where services are delivered efficiently to achieve value for money for the taxpayer.

In addition, the report considers the following Well-Being of Future Generations (Wales) Act 2015 wellbeing goals of: A Healthier Wales and more equal Wales.

4. CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:

All people supported by the Council's 'Support@Home' service and their families will be kept fully informed of the process and timescales for service transfer. Following any procurement process and contract award the service would engage with all affected individuals to address any concerns or questions they may have. There would also be opportunities for individuals to meet with the new providers to discuss any queries they may have. Should a person be unbefriended then an individual advocate will be offered to support.

Similarly, Council's 'Support@Home' staff would be kept fully informed of progress at each stage of the tender and transfer process and updated in relation to key milestones and timescales. Further work is required with Human Resources to determine which staff will be eligible for TUPE as part of the retender process. Under TUPE there would be no changes to staff terms and conditions of employment, noting that support, as appropriate, would be available to staff throughout the process.

5. PREVIOUS CONSIDERATION BY A COMMITTEE OF THE COUNCIL:

None

6. PERSONAL INTERESTS DECLARED:

The Cabinet Member for Health & Social Care declared the following personal interest in respect of the report: "My younger sister has worked in long term home care for many years"

7. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):

N/A

8. (a) IS THE DECISION SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

Yes

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

The closing date for Call-In is 5pm on the 26 October 2023

8.(b) IF NO, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS EXEMPT OR NON APPLICABLE:

- I. COUNCIL / SCRUTINY FUNCTION (CALL IN IS THEREFORE NON APPLICABLE):-
Reason: N/A

- II. URGENT DECISION:-
Reason N/A

8.(c) IF DEEMED URGENT - SIGNATURE OF PRESIDING OFFICER OR DEPUTY PRESIDING OFFICER OR HEAD OF PAID SERVICE CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULE 17.2:

.....
(PRESIDING OFFICER)

.....
(Dated)

FOR OFFICE USE ONLY

PUBLICATION

Publication on the Council's Website:- **Monday, 23 October 2023**

APPROVED FOR PUBLICATION: ✓

EXTRACT FROM OVERVIEW AND SCRUTINY PROCEDURE RULES**17. Call-In****17.1 Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, under joint arrangements or a Key Decision is made by an Officer (under the General Scheme of Delegation), it must be published on the Council's website by the responsible proper officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of 3 clear working days after the publication of the decision, unless any 3 Non-Executive Members object to it and call it in for review under these procedure rules.
- (c) During that period the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. Following the expiry of the 3 clear working day period in which a decision can be called-in the Proper Officer shall convene a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine. Where possible the Proper Officer will consult with the Chair or Vice-Chair of the Overview and Scrutiny Committee as to a suitable date and in any case the meeting will be held within 5 clear working days of the expiration of the relevant call-in period (only in exceptional circumstances will the Chair (in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny Committee acts as a signatory to a call-in he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee should be read as a reference to the 'Vice-Chair' of the Overview and Scrutiny Committee. In the situation where both the Chair and Vice Chair of Overview and Scrutiny Committee act as signatories to a call in then the Chair of the meeting in respect of matters relating to the call-in shall be selected from the rest of the Overview and Scrutiny Committee membership by majority vote.
- (e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body or person for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting
- (f) If following an objection to the decision, the Overview and Scrutiny

Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date and time immediately following the closure of the Overview and Scrutiny Committee meeting.

- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) the Overview and Scrutiny Committee may only call-in a total of 3 decisions per 2 month period;
 - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
 - (iii) once a Member has acted as a signatory to a call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired; and
 - (iv) No Education Co-opted Members may request a decision be called in.
- (j) The Proper Officer (in consultation with the Monitoring Officer) may veto any request for call-in if it falls outside the remit of this scheme.
- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.
- (l) A request for call in, made in accordance with these Overview and Scrutiny Procedure Rules, can be submitted either by hand to a Democratic Services officer using the designated call-in form (a copy of which is available on request from Democratic Services) or via electronic mail (email). Any request submitted via email must be sent by one of the three signatories to the call-in and emailed to the following email address – scrutiny@rctcbc.gov.uk. For the purposes

of checking compliance with these rules the email will have been deemed to be received at the time it is received into the Scrutiny mailbox. In order to be a valid call in request any request submitted via email must include all of the same information and details as is required to be completed in the designated hardcopy call-in form. Attaching a copy of the call in form to the email is acceptable. The three signatories to the call in request should keep an audit trail of their agreement to collectively submit the call in request. This will only be requested by the Proper Officer in the event of there being any dispute that a member (or members) did not consent to being a signatory to the call in request.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for call-in meeting as per details recorded on the call-in request.
- (3) Chair to invite the three Members who have acted as signatories to the call-in to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the call-in request.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.
- (10) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Proper Officer.

This page is intentionally left blank

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES – RULE 17
SCRUTINY CALL IN FORM**

THIS FORM MUST BE:

- (A)** SIGNED BY THREE MEMBERS FROM AT LEAST TWO DIFFERENT POLITICAL GROUPS (or in the case of an unallocated member(s) that unallocated member(s) and a member(s) from a political group).

- (B)** EMAILED TO C. HANAGAN, SERVICE DIRECTOR DEMOCRATIC SERVICES & COMMUNICATIONS TO THE FOLLOWING ADDRESS – scrutiny@rctcbc.gov.uk OR HAND DELIVERED TO:- THE PAVILIONS, CAMBRIAN PARK, CLYDACH VALE, CF40 2XX WITHIN THE TIMESCALE NOTIFIED WITHIN THE CONSTITUTION

DETAILS OF DECISION

Decision of Cabinet

Date of Publication of decision:
23 October 2023.....

Subject of Decision...
Future Commissioning of Domiciliary Home Care.....

Decision Called in (Please quote from the record of decision)

- 3. To approve that all long-term home care is commissioned from external home care providers as part of a full retender of the current framework contract and a new contract awarded from 1st October 2024 as set out in paragraph 5.2 of the report.
- 4. To approve the retender of the long-term home care on the basis of outcomes to be achieved and organised within specified geographical zoned areas as set out in paragraph 5.6 of the report.
- 5. That the Director of Social Services is delegated authority, in conjunction with the Portfolio Holder, to award contracts following completion of the retender process and to make all necessary arrangements for the subsequent transfer.
- 6. The protection of membership for staff within the Local Government Pension Scheme to be factored into the procurement process to be taken forward.
- 7. The recognition of Trade Unions to be factored into the procurement process to be taken forward.

Has the matter previously been subject to Scrutiny?

Y	
<input type="checkbox"/>	
<input type="checkbox"/>	
N	X

Reason for calling in decision (Please use separate sheet if necessary)

Please see separate sheet

Names	Signature	Group
Cllr Karen Morgan	K.Morgan	Plaid Cymru
Cllr Cathy Lises	C. Lises	RCT Independent
Cllr Karl Johnson	K. Johnson	Welsh Conservatives

Date: 26th October 2023

For Office use only by the Service Director, Democratic Services & Communications.

Date & Time of Receipt...26 October 2023

Officer Receiving: Christian Hanagan, Service Director Democratic Services and Communications

Accepted as a valid Call-in:

To be submitted to the Overview & Scrutiny Committee.

Signature: Date:

REASONS FOR CALL IN

- 1) There has been no consultation with staff, trade unions, service users or the public prior to cabinet adopting a major change in policy, i.e. commissioning 100% of the long-term homecare service, despite the council's public participation strategy claiming it values the users voice and the reasons for doing so being good practice.
- 2) There has been no opportunity for the Overview and Scrutiny Committee or the Community Services Scrutiny Committee to pre-scrutinise the proposal before cabinet made the decision. Until the cabinet member put out a press statement a few days before cabinet considered the proposal no other members knew that such a matter was even being considered.
- 3) There is no precise information given as to the potential for budget savings, however the proposal has been described as cost effective.
- 4) There is a need to gain a better understanding of the potential impact of the decision both positive and negative.
- 5) There is an obvious need to hold cabinet to account and pre scrutinise decisions that affect our constituents and staff.

This page is intentionally left blank