

**CARE SERVICES PDS COMMITTEE
23rd June 2015**

**QUESTIONS TO THE CARE SERVICES PORTFOLIO HOLDER
FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

Questions from Alan Brown

1. Can the Council guarantee that post transfer there will be no reductions in staffing and no downward harmonisation in terms and conditions for staff?

Reply:

It is our intention to maintain a good quality of provision for all eligible service users. This is the main driving principle. This question is I think more appropriate to be brought up in the current ongoing staff consultation that Assistant Director for Adult Social Care Stephen John is conducting. However, if an award is made by the Executive, the Provider will inform and consult on any proposed staff measures.

Supplementary Question:

Privatisation of services is about making savings. Do you admit that commissioning an external provider to deliver this service would cut the number of staff and reduce staff pay and conditions?

Reply:

Formal consultation with staff and their representatives on the proposal to commission an external provider to deliver this service will end on 9th July 2015. The Local Authority recognises the value of staff who deliver direct care services and is committed to ensuring that high quality services for adults with learning disabilities continue to be delivered across the Borough into the future.

2. Will the Council guarantee that post transfer, new posts and all current posts on the contract will be on Bromley staffing conditions and will be permanent posts and not zero hours/agency contracts, and that the new employer will not rely on the Heron/Parkwood case to deny pay rises?

Reply:

The new Provider is being commissioned to deliver the modernised service that we feel is more appropriate to our service users. We are confident that they will do this. I would say, as I did in the previous question that details such as this should be brought up and discussed in the ongoing staff consultation exercise.

Supplementary Question:

What account will be taken of the impact on the service of having a two tier workforce which includes zero hours contracts and lower pay?

Reply:

All conditions of service will be agreed with any new provider following the award of the contract. The Local Authority will negotiate with any new provider to ensure that high quality services are secured for service users and that staff have good conditions of employment.

3. Can the Council guarantee continuity of services post transfer?

Reply:

I cannot guarantee this – the Council determines continuing services by consideration of our statutory duties as a Local Authority within the severe financial constraints that we are under. Again, this is another matter that should be tracked through the ongoing staff consultation.

Supplementary Question:

Services will be provided differently in future. What account will be taken of service users and staff?

Reply:

Consultation has been undertaken with both service users and staff. Formal consultation with staff and their representatives on the proposal to commission an external provider to deliver this service will end on 9th July 2015 and the results of the consultation will be evaluated and taken into consideration in any future decision made around the future delivery of the service.

Questions from Mona Hope *

1. Certitude has acknowledged, that they don't have experience of offering day opportunities for over 100 users. How will they be able to take on this poorly staffed and due to lack of funding already downgraded service and not only run but transform it for 315 users on such a tight budget?

Reply:

The Provider being recommended has gone through a rigorous competitive process to be at this stage of the tendering exercise. I am satisfied that the process has identified their experience and expertise to support our service users should they be awarded this contract.

Supplementary Question:

Due to commercial sensitivity, staff and service users have not seen details of the contract and there has been no opportunity for public scrutiny of the proposed service provision. How does this reflect the Local Authorities responsibilities to Bromley residents?

Reply:

It is normal commercial practice that details of providers participating in a tender process are not made public and that stakeholders, such as service users and staff, do not contact providers tendering for the contract directly. Service users and staff have been consulted on this basis.

2. Barnet shows of how this undertaking can go wrong. 2012 Barnet transferred the LD services to Your Choice Barnet (YCB). In 2013 YCB introduced cuts to pay and a 30% cut in staffing. The consequences: The CQC report (03/2015) rated the SL Service as inadequate. Is it reasonable taking the risk?

Reply:

I do not think it appropriate for me to comment on services that we do not manage or commission.

Supplementary Question:

No supplementary question was provided.

3. Would you consider an in house alternative to outsourcing and make use of the resources, experience and skills of the current staff team? We are able to develop a concept and curricula, and start a cooperation with e.g. Bromley College or buddy schemes with other modern day opportunity providers.

Reply:

The option of retaining services in-house has been considered, and it has been concluded that whilst budget reductions would be made to achieve the target these would not be achievable without significantly altering the current levels of service, which would have a detrimental impact on Service Users. Merging our services with Southside Partnership, an established Provider supporting adults with learning disabilities, will give economies of scale we as a Council could not achieve independently. A transfer of services may also provide new opportunities for Council staff that would otherwise not be possible.

Supplementary Question:

Are you saying that services offered by alternate providers which aren't property-based are more cost effective than in-house services?

Reply:

The Local Authority has looked closely at the option of retaining in-house services and has concluded that they are not economically viable for the future delivery of services.

Questions from Steven Coe, Day Opportunities Officer:

1. The Council possesses £300m reserves, including £130 million in cash. There was an underspend of over £10m 2014/15 and the Council decided to buy commercial properties from it. Given the size of the reserves, does the council not feel it would be better to invest some of this in in house services?

Reply:

The fact is that the Council over the last few years has embraced a policy of not simply reducing reserves to support the revenue budget but to use them positively to produce interest gained as an income stream. If you spend your reserves once then they are gone for ever.

Supplementary Question:

Why can't the Local Authority use capital reserves to support the continued delivery of in-house services to deliver direct care services?

Reply:

The Local Authority's agreed policy is not to use capital funds to supplement ongoing revenue budgets.

2. A large percentage of our service users have limited understanding and abilities. Can you please explain what you mean by employment and training? I understand, that was the purpose of the Shaw Trust: is it possible for you to tell me how many service users actually found meaningful employment?

Reply:

I think that "limited understanding and abilities" is an unfortunate phrase. What we aim to do is to support service users to achieve their very best and to maximise their independence. This discussion is not about Shaw Trust – but I can say that I am reassured by the reputation and evidence of the proposed Provider in supporting people into various employment and training opportunities.

Supplementary Question:

What will be provided for those service users who are unable to find employment and training?

Reply:

Service users will continue to receive the full range of support services they are eligible for.

3. Given that Bassets Oakfield and Leeson's have now shut down and the proposal is to shut Astley at some future day. It was stated that we would work from smaller hubs. Can you tell us, where and how many of these hubs will be?

Reply:

We are not currently consulting on a closure of the Astley Centre and questioning on details of potential new locations is not appropriate at this time.

Supplementary Question:

We were informed that the new service provider would operate from smaller hubs. Please can you specify the number and location of these hubs?

Reply:

Any new provider will develop their plans for service delivery over the first six to twelve months of the contract so details of how and where services will be delivered in future cannot be provided at this time.

Questions from Sue Burgess, Day Opportunities Officer:

1. Is Bromley's Agenda, in making future services sustainable, a move towards direct payments? (as per point 5.10)

Reply:

Bromley has a statutory duty to offer direct payments. It is the service users decision as to whether they take up the option. I very much support direct payments as a way of increasing independence and choice for the service user.

Supplementary Question:

No consideration has been given to the different levels of disability of the service users. Can you guarantee the level of service that service users receive under direct payments would not reduce if the provision of the service is awarded to a new provider?

Reply:

Service users will continue to receive the full range of support services they are eligible for.

2. How is the model of "hubs" within the community going to accommodate the 315 service users who receive day care and will any service users lose their day

provision?

Reply:

As I have already said, there is currently no consultation on the closure of Astley or any other day centre. With regard to service users “losing” their day provision I would reiterate that a provider cannot remove a service from service user and any unmet eligible needs are for care managers to define.

Supplementary Question:

No supplementary question was provided.

3. Is the Boroughs intention in moving away from a large building based model (Astley) a drive to selling the land for property development as happened in the case of Leasons Day Centre?

Reply:

I would say again that there is currently no consultation on the closure of the Astley Centre. If the implication of the question is that we are framing policy partly in order to achieve a capital sum from selling then I would empathically deny this.

Supplementary Question:

Will you give assurances that service users, their families, carers and staff will be involved in any consultation on the future of day centres and that their views will be accepted?

Reply:

Yes.

Questions from Tracey Hurran, Day Opportunities Officer:

1. You are awarding Certitude a contract for 5 years, maximum 7 years, what is Bromley Council’s vision after this time span?

Reply:

My continuing vision is that the Local Authority is able to continue to provide necessary care and support to eligible service users within the financial parameters that we will set. Predicting what is going to happen in 7 years is really hard. I am not sure about 7 months’ time given all the turmoil and financial uncertainty.

Supplementary Question:

Adults with learning disabilities can find change difficult. How does this fit with the possibility of changing service providers every few years?

Reply:

The Local Authority accepts that adults with learning disabilities can find change difficult, but cannot predict or give certainty on the delivery of services in future years.

2. What are modern community based activities and does the financial budget allow for staffing to achieve these goals?

Reply:

We have been working to support people in the community for some time. The Council's policy is to assist and support people to take advantage of activities that are available in the wider community. We want to "personalise" the offer to all service users far more.

Supplementary Question:

Personalised services can be more expensive. How will personalised services be delivered to 350 current service users?

Reply:

The Local Authority's policy is to personalise the support given to service users to meet their individual needs.

3. Why were the questions handed in by the staff Team (to the commissioning team) not mentioned in the report. They have been handed in on the 8th July to the commissioning team. Also the staff team doesn't agree with the way they are portrayed under 9.4.

Reply:

A letter was received on the 11th June dated the 3rd June as part of the staff consultation which goes on until the 9th July and this letter will be dealt with as part of the process.

Supplementary Question:

Why do service users and staff have to wait until a contract is agreed with a new provider before finding out what it has to offer?

Reply:

Staff are being consulted on the service they feel is required to meet service users' needs into the future and will also be consulted on the services to be provided following the award of any contract.

Questions from Maria Penfold, Trainer:

1. Why is there a large discrepancy between the figures stated in the Direct Care Contract Award regarding the savings Southside is proposing to make, and the figures stated in the staff consultation document?

Reply:

The only discrepancy is in the projected target for the first six months where officers have now prudently made more allowance for potential one-off costs to assist a smooth transition of service and continuity – should the Executive agree to the contract award.

Supplementary Question:

How can details of savings to be made by commissioning the service be identified before a contract has been awarded?

Reply:

The Local Authority cannot be specific on savings that may be realised following the award of any contract, but are committed to maintaining a high quality service for all eligible service users.

2. How has the commissioning team reached the conclusion that the staff team were not engaged in this process and all outcomes reached from this process were positive? There was only one meeting with the commissioning team in early September 2014, and any controversial questions were dismissed by Stephen John. We didn't feel our concerns were taken seriously.

Reply:

I am assured and confident that the staff engagement process, including the trade unions has been robust and that people have had opportunities to participate in a variety of ways, many of which I understand have been taken up. Furthermore, I would again repeat, this sort of issue can and should be dealt with as part of the ongoing current staff consultation.

Supplementary Question:

Staff engagement and consultation has been limited as some staff were unable to attend lunchtime meetings due to service demand. What opportunities will staff be given to contribute to the consultation?

Reply:

The formal consultation with staff and their representatives on the proposal to commission an external provider to deliver this service has not yet ended and additional consultation opportunities will be available to staff.

3. Who constructed the survey from February 2015 mentioned on 5.2. and how many people were involved?

Reply:

The survey was constructed with the support of an independent advocacy group and had input from the current in-house learning disability management team. There were a total of 67 surveys completed from across the day opportunities spectrum.

Supplementary Question:

Were the outcomes represented in the commissioning report selective and were service users consulted?

Reply:

I am unable to comment on where the statements from service users outlined in the report have been drawn from.

Questions from Tracey Jones, Senior Trainer

1. Why is correspondence between staff and Certitude not allowed by the Commissioning Team. Previous requests for an explanation have been very vague.

Reply:

Correspondence between staff and a potential provider can compromise the procurement process which works within a statutory framework.

Supplementary Question:

Does this mean there is no legal requirement for allowing staff to communicate with Certitude?

Reply:

No.

2. Why have we not been told, what the framework and the structure of the new service will look like?

Reply:

Subject to any commercial sensitivities and restrictions, staff and their representatives have been fully engaged throughout the process. High level outcomes have been discussed. In the event that an award is made by the Executive, full consultation will be undertaken on any detailed staffing and service implications arising from the transfer.

Supplementary Question:

How can such vague descriptions be provided on such important issues?

Reply:

The Local Authority must work within commercial sensitivities prior to the award of any contract, but is committed to ensuring that high quality services for adults with learning disabilities continue to be delivered across the Borough into the future

3. Some of the way the consultation document from 26th May was written, was unclear and raised serious concerns amongst staff (e.g. wrap around service, duplication of sessions, spot purchasing) Could you please clarify?

Reply:

These are matters for the current ongoing staff consultation.

Supplementary Question:

'Hubs' and 'sustainability' are the key words used in the report. What does this mean?

Reply:

Officers will provide additional details on the report during the discussion of Item 8c: Direct Care (Learning Disabilities) - Contract Award.

*** Statement from Mona Hope to accompany her questions –**

Astley could be used as a Learning Centre to teach basic living skills, horticulture and catering skills. Institutionalising day centre routines with fixed tea and lunch times could be scrapped - each group structuring their day as they need it. The canteen could become a cafe, open for the public (catering skills!). The products from the horticulture opportunities (horticulture skills!) could be used in the cafe and sold to the community on a weekly market (skills for the retail sector!). With the resources and staff in place, we could facilitate travel training and meaningful opportunities in the communities, e.g. by linking up with local choir, yoga or art courses where one or two service users per group would be enabled to participate. And Astley and other hubs could still be used as a safe and stimulating resort for those service users who can't handle changing environment and people.

Yes, Day Opportunities staff are more than willing to embark in change! We just never have been asked to play an active part in it. Yes, the council would need to invest heavily into its services, but therefore you would remain in control over your service and be able to provide continuity to your service users. And continuity is - according to the feedback we received - a major factor, families and their service users are putting importance to.

More to it, with empowering your employees you would keep the experienced and skilled staff who under Certitude could not afford to work for this community anymore. Empowered employees are committed, loyal and conscientious and can serve as strong ambassadors for their organisations. Staff on £8 the hour, with zero hour contracts and no experience won't be able to live up to your expectations.

You, our government have been founded for social purpose, not prioritising cost over value. Therefore we ask you to consider to maintain an in house service and support us with this venture.