

## **CABINET**

Minutes of a Meeting of the Cabinet held in the Luttrell Room - County Hall, Taunton, on Wednesday, 15 March 2017 at 10.00 am

**Present:** Cllr J Osman (Chairman), Cllr D Hall (Vice-Chairman), Cllr A Groskop, Cllr W Wallace, Cllr F Nicholson, Cllr H Siggs and Cllr D Fothergill

**Other Members present:** Cllr Coles, Cllr H Davies, Cllr R Henley, Cllr C Lawrence, Cllr J Lock, Cllr T Lock, Cllr G Noel, Cllr N Pearson, Cllr H Prior-Sankey, Cllr M Rigby and Cllr D Yeomans

**Apologies for absence:** Cllr C Le Hardy

### **669 Declarations of Interest - Agenda Item 2**

As there was a large attendance, the Chairman took the opportunity to welcome everybody to the meeting and then preceded to the Wyndham Room next door to welcome those people in there.

Members of the Cabinet declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr A Groskop      South Somerset District Council

Cllr J Osman      Mendip District Council  
                         Wells City Council

Cllr H Siggs      Mendip District Council  
                         Wells City Council

Cllr W Wallace      South Somerset District Council

### **670 Minutes from the meeting held on 20 February - Agenda Item 3**

The minutes of the Cabinet Meeting held on 20 February 2017 were agreed and signed as correct.

### **671 Public Question Time - Agenda Item 4**

There were a number of members of the public who wished to speak about agenda item 5 regarding the Learning Disability and Provider Service (LDPS) and who had submitted questions by the deadline.

The Chairman invited the speakers to put their questions and statements to the Cabinet in the order listed on the public question list.

Adrian Welland, Assistant Team Manager, Northmead House, said there were concerns about the way the new LDPS provider would operate and run and that the terms of transfer for staff had changed dramatically. Customers would be hit hard as staff that had supported them for many years would be leaving.

He asked for the Cabinet to defer the transfer date so that these issues could be investigated further.

David Sweet spoke on behalf of Eileen McCawley, a family carer and member of Yeovil Carers Group. Her statement said she had spent hours at meetings drawing up specifications sharing aspirations for a new future with service users, staff and carers; a real and meaningful partnership, staff as an integral part of this new beginning. She was concerned that many bidders pulled out of the process. She also asked about the disbanding of the Shadow Board, the lack of working groups, guarantees, why funding for learning disabilities hadn't been ring fenced, changes to staff's pay and working conditions and answers to questions raised at the Council meeting on 15<sup>th</sup> February and today's meeting.

Susanne Matthews a support worker, asked if members could explain how proposing to cut wages terms and conditions, reviewing day services with possible closures, making redundancies, and making staff pay for the shortfall in funding was a fair and just way of treating them. Staff service users, their families and carers felt misled by the Council and she asked for it to pause to engage in meaningful consultation with UNISON.

Sean Cox said he had a petition to hand in asking the Council to stick to its promise of providing a quality Learning Disability Provider Service. He asked if the Council could guarantee that the vulnerable customers would not suffer significant reductions in their levels of care, potentially endangering their health and safety, welfare and safeguarding, despite the best efforts of the front line staff that remain. He asked that if the Cabinet could not answer yes with any confidence that the matter be deferred. He also asked for further explanation around the new contracts.

Ewa Marcinkowska, a LDPS worker, said she had proudly worn her SCC badge for more than 7 years but that both her and her colleagues who were dedicated, committed, and highly trained felt let down and undervalued by the Council. They did not oppose change within the LD services. Redundancies, proposed cuts to wages, terms and conditions, and the level of transformation to roles had been known only for the last few weeks. Staff had built up trustful relationships with customers over many years and was concerned what would happen to them when bonds were broken.

Nigel Behan, Unite Branch Secretary resubmitted a number of questions that he had asked at the County Council meeting on 15<sup>th</sup> February as he was still awaiting a response. He also asked whether there would be an immediate review; further consultation with service users, families, trade unions and staff; an In House Service Improvement and Innovation Plan; whether councillors were fully notified of the implications; if people had been misled; requested to see the Business Case; if there was to be any closure of day centres. He also asked about the appearance of the compensation fund and if it conformed to TUPE and procurement legislation and whether extra funding had been factored into the business case and if this would have a detrimental impact on remaining services and users.

Paul Kitto, a LDPS staff and union member, explained that he had not received any response to his questions raised at the Council meeting in February. He

asked for a deferment to the transfer of services for full meaningful consultation.

Jeanette Cave asked about a possible legal challenge to the decision and what procedures were in place to protect the outsourcing and was concerned this could lead to further cuts in council services.

Alison Campbell, a former LD staff member and carer for a daughter with Downs Syndrome, said she had worked for the LD service for 20 years and knew of the quality of service it had provided and how valued it was by service users. She felt quality could be compromised by the proposal and asked for Cabinet to delay its decision until after the elections.

Susan Tucker spoke on behalf of John Williams and concerns were raised about LD users' future care. Members were told that users also regarded staff as friends and without them would feel alone.

Jon Robinson asked about changes to staff rights, raised concerns about staff turnover in LD, communications about the transfer date, and staff morale.

There was a written statement from UNISON steward Susan Jones and it was agreed she would receive a written response.

Susan Matthews spoke on behalf of Oliver James who had provided a written statement regarding his sister who had learning disabilities. Cabinet were asked to consider what price they would put on spending time with people who made a difference in their lives. It was agreed that change was needed but it needed to be progressive.

Sarah Mainwaring, a Council employee said she worked for SCC for 19 years and built up relationships with the people she supported. She was concerned about the changes proposed by the new social enterprise and felt the quality of the service would be comprised. She felt she could no longer work for the Council and handed in her proximity card in protest.

Jenny Winchester from UNISON said although there was an expectation of change the level and speed of the change was dramatic. She felt this was a high risk strategy and would have consequences for one of Somerset's most vulnerable groups and the tax payer. She also asked for the Cabinet to defer the transfer date to ensure the full implications were understood.

Alan Debenham, Taunton Deane Green Party Local Government Representative, said had not received a response to his questions from the Council meeting on 15<sup>th</sup> February 2017 and asked what response the Council had given to protestors. He also asked about agenda item 7 on the Strategic Board for Somerset.

Cabinet member for Resources Cllr Harvey Siggs said letters should have been sent out with responses to questions and apologised if these had not yet been received. A written response to the question about the Strategic Board would be provided.

The Chairman explained that the council had to make savings every year and at its last meeting £18m in savings had been agreed. The Chancellor had announced funding towards Adult Social Care but for specific issues and full details about this were still to emerge.

The Chairman then allowed David Holland, a LD service user, to speak. He asked the Cabinet if they would like changes to be made if it affected their families.

Finally Nick Batho spoke and said all the arguments for going to a social enterprise set out in the business case were still valid and there had been a huge investment in time and energy to get to this point. If there was any delay there would be a significant financial penalty. However he was concerned that the Cabinet needed to reassure parents, carers and staff that this was the right course of action.

**672 Report from the Scrutiny for Policies, Adults and Health Committee - Learning Disability Provider Service - Agenda Item 5**

The Chairman invited the Chairman of the Scrutiny for Policies, Adults and Health, Cllr Hazel Prior-Sankey to introduce the report and recommendations from the committee. She explained that the Scrutiny Committee felt that there should be a delay in the implementation of the transfer of the Council's Learning Disability Provider Service until after the May election and for Cabinet to review the original decision. This was because of information regarding potential day centre closures and changes to staff's pay and conditions. There had been no previous mention of a compensation fund and time should be given to further scrutinise this.

Cabinet Member for Adult Social Care Cllr William Wallace introduced a presentation regarding Learning Disability Services which was intended to remind everybody on the background and rationale for the decision, provide an update on the work to date, and provide clarification on queries.

The Business Case was approved by Cabinet to procure a social enterprise in February 2014 and the recommendation to award the contract to Dimensions in July 2016. The delivery of transferred services was due to start on April 1<sup>st</sup> 2017 with transformational changes from then onwards.

Further points highlighted in the presentation included:

- The vision was for people with learning disabilities and their families to have more control and choice over their services with buildings of high quality and services which were good value for money
- The outcomes included to have an organisation that understood what worked well and what needed to be changed in order to improve services for customers and carers
- Although some current service provision of day centres was good, lots were not due to a poor environment and incompatible groupings.
- Good day time support had been identified as aspiration orientated, focused on accessing opportunities within the community not segregated environments, and flexible

- Transition and transformation costs which were shown in Appendix D of the Cabinet report in July 2016 were again presented.
- There was further clarification on the contracts and what would happen to any surplus
- The Scrutiny Chairman was referred to specific cabinet papers which addressed the issues raised.

Cllr Wallace then reminded the meeting that the forthcoming funding from the Government for Adult Social Care was for specific measures such as to relieve bed blocking. He then moved the recommendation not to accept the Scrutiny Committee's recommendation but to continue to implement the decision agreed in July 2016. He also proposed that Cabinet agreed to increase the Equal Pay Buy-Out fund through appropriate discussions.

The Chairman asked the County Council solicitor for further clarification on the current situation and she confirmed that a contractual relationship was in place and if there was a deferment of the transfer the Council would be in a position that it would have to pay a considerable amount of money. He pledged to speak to Dimensions on behalf of those who had spoken to raise their concerns. He also agreed to meet with Paul Kitto.

Cabinet members were then given the opportunity to ask questions and made the following points:

- The level of engagement with unions - there had been a number of discussions and consultation and negotiating sessions were in place. Presentations had been given and work had been done with Dimensions.
- The Council would still face the same problems if it delayed the decision until May. A £3m reduction in this service area would equate to about 150 redundancies.
- No formal changes to terms and conditions had yet been put forward but the process would start post-transfer.
- It was necessary to make the LD service attractive to young people.
- The transition and transformation costs were available to Scrutiny members.

Cllr Prior-Sankey said that details regarding closures of day centres and changes to staff terms and conditions were not discussed at the Scrutiny Committee meeting and the Unions did not ask any questions at the time. She felt that committee members did not understand.

Further points raised in the debate included:

- The Chief Executive was satisfied that all reports and data presented to Cabinet and the Scrutiny Committee were available to all members.
- People felt left in the dark about this.
- More information about the compensation fund was needed.
- There was some concern about Dimensions.
- Disappointment that Cabinet did not wish to review its decision.
- Criticism that this was about money saving and also of the use of the word 'demobilisation' which had been unclear to people.

Cllr Hall then seconded Cllr Wallace's recommendation. The Chairman said he had listened with great interest and was personally touched by what he had heard. It would

be easy for the Cabinet to say what people wanted to hear. The background to the decision had been explained and it was necessary to be careful about commercial sensitivities. It would be wrong to delay this until after the election and the Council had to take austerity measures. There was a need to modernise the LD service and Dimensions were the second largest not for profit organisation in this area. This decision was based on an outcome focussed model and although fears were understood there had been a lot of research. He had pledged to meet Dimensions to put forward the comments from today and called on councillors and union members to work together constructively.

Following consideration of the officer report, presentation and discussion, the Cabinet agreed:

- 1) That it did not accept the Scrutiny Committee for Policies for Adults and Health recommendations and that officers would continue to implement the decision agreed by Cabinet in July 2016.
- 2) Subject to confirmation from the Section 151 Officer, to increase the Equal Pay Buy-Out fund through appropriate discussions.

**ALTERNATIVE OPTIONS CONSIDERED:**

As set out in the officer's presentation, taking into account the debate at the meeting and the amendment proposed by the Cabinet Member for Adult Social Care.

**REASON FOR DECISION:**

As set out in the officer's presentation, taking into account the debate at the meeting and the amendment proposed by the Cabinet Member for Adult Social Care.

There was a small adjournment at 12.10pm.

**673 Award contract for a carers support service - Agenda Item 6**

The meeting reconvened at 12.18pm.

The Chairman reminded members that although the main report was not confidential, the appendix contained exempt information and if members wished to discuss the information within this then the Cabinet would need to agree the resolution to exclude the press and public.

Carers were a valued part of the community with 58,000 identified as carers in Somerset. This report gave information regarding the recommendation to award a contract for a new Carers Support Service. Carers had been involved in this process and reviewed all existing services. They had set up a Carers Panel that worked with commissioners to develop the tender documentation and evaluate the bids. The current contract for the Carers Support Service was due to expire on 30 September 2017. Council officers had worked closely with the Clinical Commissioning Group through the evaluation period and assess the response.

Cabinet members supported the report and acknowledged the work of carers. The process was praised and recognised as a model for the future.

The Chairman said there had been no response from the Scrutiny Committee and due consideration had been given to the Equalities Impact Assessment and the report and appendix were very clear. He felt there was a clear winner and the organisation knew Somerset well.

Following consideration of the officer's report, the Equalities Impact Assessment, Appendix A and the debate, the Cabinet RESOLVED to:

1. Endorse the procurement process and approve the selection of the service provider (Bidder A in Appendix A) to deliver the Carers Support Service from 1 st October 2017 for three years with the option for the Council to agree two further periods of up to 12 months
2. Agree that Appendix A be treated as exempt information, and treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

**ALTERNATIVE OPTIONS CONSIDERED:**

As set out in the officer report.

**REASON FOR DECISION:**

As set out in the officer report.

**674 Strategic Board for Somerset discussion paper - Agenda Item 7**

The Chairman invited Rob Williams to speak who said he supported the recommendation and endorsed the proposal. This was important for Somerset's future.

The discussion paper acknowledged that there had been a good and growing degree of collaboration across Somerset through various partnership arrangements both formal and informal. However there was no formal overarching joint committee that took a broad or longer-term view on the strategic needs and development of the county. This paper was to prompt discussion to gauge interest across key partners for a Somerset Board that could take more of a strategic co-ordinated approach for the local population.

The Chairman asked if it was now time to bring all the partnerships together and wanted to start conversations about this to gauge interest.

Further points highlighted in the debate included:

- It was important to have the right people around the table to discuss matters and engage with different parts of the community
- Good progress was already being made in the areas of Health and Wellbeing and shared services arrangements were also working well
- Early help and prevention was essential and it was thought the current Health and Wellbeing Board could be given more power and responsibility rather than necessarily have another joint committee

- The needs of the population were changing and people did not know what the organisational boundaries were

The Cabinet endorsed the Leader of the Council to take forward discussions with wider partners to gauge the degree of support for the approach in the county.

**ALTERNATIVE OPTIONS CONSIDERED:**

As set out in the officer report.

**REASON FOR DECISION:**

As set out in the officer report.

**675 Any other urgent items of business - Agenda Item 8**

The Chairman introduced John Turner from Visit Somerset and Andrew Fawcett, a Wells Civic Society member and museum trustee who together were working on a proposal for a Wells City of Culture bid. They explained that it had already started to generate a huge amount of interest and support was being pledged by numerous organisations around the county. It was hoped that both the County and District Councils would also support the initiative.

Cabinet members acknowledged this could add value to the Somerset economy and welcomed the initiative.

The Chairman said this was an exciting plan and he hoped Cabinet would support it and asked what assistance the Council could offer.

The Cabinet supported Visit Somerset's proposed submission of a Wells City of Culture bid and undertook to provide a letter of support along with a supportive press release.

**ALTERNATIVE OPTIONS CONSIDERED:**

The only other alternative was not to support the bid and this was discounted.

**REASON FOR DECISION:**

To support the submission of a City of Culture bid by the deadline

**(The meeting ended at 12.53 pm)**

**CHAIRMAN**