

Meeting of Somerset County Council held in the Council Chamber, Shire Hall, Taunton on
Wednesday 15 February 2017 at 10.00am

Agenda Item 5 - Public Question Time

Details of the questions / statements and petitions referred to in Minute AK260 and responses given at the meeting are given below.

Public Questions / Statements / Public Petitions (under 5000 signatures)

1. Council Budget

From Gordon Czapiewski

Referring to the posting on the SCC website "Budget plans endorsed by Cabinet, 6 February 2017":

- Re. "£10m from redesigning services and bringing spend in some key areas -such as care placements for children and adults – into line with good performing authorities."
- Can you identify the Authorities and equivalent examples of practices that you intend to adopt, i.e. which service is affected and what change is to be implemented?
- Re. "Cabinet also endorsed a Council Tax increase of 1.99 per cent. A further 2 per cent ring-fenced for Adult Social Care was also supported along with keeping the Somerset Rivers Authority precept at the last year's level of 1.25 per cent"
- Why was the rise limited to only 2% when 3% is allowed by central government?
- Do other councils nationally pay an SRA equivalent

Response from Cllr John Osman – Leader of the Council

Thank you for the questions –. You raise a number of points on the subject of council tax and we will be having a debate on our budget and the themes including our plans to redesign services later in the meeting to which members of the public are invited to stay and listen to.

For clarity in relation to council tax, I would add that Government has given councils permission to raise the Adult Social Care precept to 3% for the next two years but if they do so, they cannot raise it the year after. The choice was between increases of 3%, 3% and then no increase or 2, 2, 2. We think 2 + 2 + 2 is more sustainable for budget planning and more reasonable for the tax-payer.

In response to reaction to flooding across our Council and the prompt action this Council took when our residents needed it most, I can confirm other Councils do not have a Rivers

Authority in the same way. I would also point out that this Council does not “pay” the rivers authority.

Finally, my thanks for the question and the opportunity to contrast the political appetite for raising council tax. This administration believes in not taxing hard-pressed families whenever it can. The Lib Dem opposition in its last eight years in office raised council tax by a total of 62%. And they have gone on record in a public meeting that they would not rule out a further 15% increase if they won power. That’s the difference between the two parties, low tax, zero borrowing, efficient and effective services versus high tax, high borrowing, inefficient and ineffective services. A clear choice. A clear plan.

2. Budget Proposals

From Alan Debenham

1. Today’s budget proposals regarding increasing the County Council’s very large chunk of the Council Tax by 3.99%, on top of last year’s Social Care and Flood Alleviation uplifts, plus further planned annual increases of 3.99%, are a vicious U-turn on previous Tory addiction to Council Tax freezes. Such well above inflation increases, coupled with severe decreases in services provided, not only create cash hardship for vulnerable residents, but also great difficulty in understanding how it is fair to have to pay much more for much less. How can the Council now explain this madness emanating from Tory government’s continued severe austerity cuts, via further withdrawal of Revenue Support Grant, simultaneous with transferring what should be national taxation to local Council taxpayers by now pushing and promoting an annual 3.99% rise ?
2. Also, as most people are aware, allowing the hypothecated 2% annual increase purely for adult social care is very inadequate - both to recover previous cuts of over 25% or to meet present required demand - and very unfair because Council tax delivery base does not fairly match care needs. The Council leader is on record, more so than ever this year, on pleading loudly about the Council’s underfunding, saying at last Cabinet that he was lobbying the Secretary of State this week for explanation and help. What result has he achieved and has he been able to get a similar “sweetheart” deal to Surrey County Council’s regarding retaining 100% of business rates, albeit as part of a national pilot ?
3. How have, or will have, residents an ability to see direct improvements (or less cuts?) in Social Care service as a result of their hypothecated Council tax increases and increased Better Care national support when already implementation of the 2014 Social Care Act is faltering, the newly emerged Sustainability Transformation Plans won’t deliver without proper upfront funding, and latest news says acclaimed Social Care and Hospital integration is simply not working, despite new finance and drive ?
4. When will this Council and our Councillors really stand up for its services and its residents by both denouncing the government’s right-wing imposition of severe public spending austerity policies – hitting local government hardest - which simply do not work in terms of solving national debt (increased from £1.2 to £1.6 trillion since 2010) AND by organising councils in the South West to fight-back by concerted protest actions, not by embracing government promoted HotSW mergers which involve pseudo-devolution in return for a new mayor and new cuts ?

Response from Cllr Harvey Siggs – Cabinet Member for Resources

We will have a full budget debate later in this meeting so I invite Alan to stay for that. I can answer his specific points now about losing our revenue support grant.

In short Alan, you answer your own question. The explanation is simple. If Somerset CC loses £16m in Revenue Support Grant, it has no choice but to identify savings and raise council tax. The council tax increase of 3.99% replaces only half of what we lost and therefore the rest must come from savings. Costs have not stood still and so savings must increase.

You raise a point about working closely with our communities and our partners to improve the response and support we provide. We can demonstrate credible improvements within West Somerset where our work has been most advanced and is now rolling out across the county. We do not accept that the Care Act is faltering and believe that it is through closer working with colleagues across health that our residents will get a better outcome as well as ensuring we utilise our resources to maximum effect.

And finally, lobbying will not bear fruit overnight. The government funds all councils through a complex series of allocations and the funding review and the business rates bill will ultimately be the result. We have to wait a bit longer to know whether the hard work we put in has an effect. The leader is due to meet senior members of government again later this month to reiterate our position.

3. MTFP and Budget Monitoring

From Nigel Behan – Unite

Q1 In February 2016 this Council set a “balanced budget” for 2016/17. Based on the end of the accounting period (Quarter 1) April to June 2016 there was a forecast “overspend”/ “underfund” for the year 2016/17 of approximately £24m.

- i) Will you explain how the financial planning and forecasting was so adrift just 3 months in to the (as then) new financial year?
- ii) What factors were not anticipated?
- iii) Was this poor planning or artificially low budget setting in February 2016?
- iv) How can we be assured that this meetings “balanced budget” will not be so wayward in the same accounting quarter (on a £300+m budget)?

Q2 This year’s MTFP is based on 7 Themes, unlike previous years where specific service “savings” (and “cuts”) have been identified in the budget papers with corresponding Impact Assessments.

- i) Please detail the “planned” savings by service area?
- ii) Please can you identify the cuts by service area?
- iii) How can alternative budgets be proposed if, as this seems, the savings and cuts cannot be clearly identified?
- iv) How can electors, citizens, residents and council taxpayers, community and voluntary organisations clearly identify the impact of the savings and cuts and participate in meaningful consultation?

- v) Is there a risk register associated with each specific service area savings?

Response from Cllr Harvey Siggs – Cabinet Member for Resources

Q1 The budget set last February was robust but it did rely upon services absorbing some of their own pressures and managing their demand. In some cases it has been difficult for service managers to see how they could do that and it has taken longer to put management actions in place to address this and deliver the savings required to get budgets under greater control. The overspend projections have therefore steadily come down. This was neither poor planning nor poor budget-setting but each quarter should be viewed as a progress report to the way in which budgets now have to be managed.

Q2 Nigel has missed the point of the themed approach this year to the MTFP. We have had the service cut approach previously in place and it has over the last two years started to run out of gas. As austerity bites harder, the MTFP cuts have been tougher to deliver and we have not had as much success as we would like using the percentage-based approach for all services that produced the long lists of savings.

As has been said at three Scrutiny and Cabinet meetings in the last month, our normal governance process applies so that when these targets are sufficiently formulated into decision reports, having had the necessary consultation with the required impact and risk assessments, there will be opportunity for members of the public, service users and all councillors to comment and engage in the decisions.

4. Medium Term Financial Plan / Learning Disability Social Enterprise / Homecare

From Liz Payne-Ahmadi

- 1) Please could you explain why you have limited the Council Tax increase to 3.99% when further cuts are being made to so many public services? Surely greater revenue from this source would maintain a range of services on which so many depend?
- 2) Huge concern has been raised about the provision of LD services through a newly formed social enterprise operational from 2017/18 including loss of jobs and vital provision and a high risk strategy for the sustainability of the project going forward. Despite this, on p.96 of the papers for this meeting, you describe the change as "an exciting new chapter in the delivery of LD services". Does this mean that you plan to treat other services in like manner in the future? How do you respond to the grave concerns that have been raised about the proposals Dimensions UK are planning to implement in respect of LD? What are your contingency plans for LD should the new social enterprise fail?
- 3) You state (also on p.96) that SCC is working with community groups in West Somerset to develop a new approach through which older people will place less reliance on traditional services like homecare. This approach, you say, will help them to maintain their independence. Please could you explain how removing or scaling down services on which people rely for their independence can possibly help them to maintain it?

Response from Cllr Harvey Siggs – Cabinet Member for Resources

There is perhaps a little misunderstanding as to what levels of council tax we are allowed to raise without incurring the cost of a public referendum. You ask about revenue to support our services, we are capped by government and only allowed to raise 1.99% on council tax to achieve this.

In respect of raising council tax specifically to support Adult Social Care, that has been answered earlier.

However, I do understand the thrust behind the question and I would agree that increasing revenue is critical to our future funding. We would prefer to generate this income with our long-term vision for more business parks, a garden town or two and spread the burden of taxation rather than hike up tax each year to cover the shortfall. Can I too remind everyone that during the last Lib Dem administration they raised council tax by 62% over 8 years. This may be a clue as to why Government introduced capping.

My colleague Cllr William Wallace will respond separately to your questions about the Learning Disability Provider Service and community groups in West Somerset.

Response from Cllr Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you the service have taken steps to ensure this does not happen again.

You asked a number of questions which were answered in our Council meeting but I did say at the time I would write a response covering off some of the further issues.

In relation to my area, you specifically asked questions about our learning disability provider service and secondly about our community work in West Somerset.

First – LDPS. We believe that the establishment of the new social enterprise is an exciting change that will result in better quality, progression based services ensuring better outcomes for the people it supports. However, in order for this to be successful, the new organisation will need to be sustainable and we therefore understand the rationale for the new social enterprise putting forward the proposals for consultation that it has. We do not expect the new social enterprise to fail, but as part of the process we have undertaken contingency arrangements are in place that we would follow in the extremely unlikely event that it did.

Secondly – West Somerset. Firstly we have not cut services in West Somerset. In response to increasing demand and limited resources we have looked at how we can respond better to ensure we are able to provide the support that people need, as quickly and locally as possible. We want to enable and support people to live independently, because this is what they tell us they want. We recognise that the way that we have been working has not always done this. Our primary goal in reviewing and trialling new ways of working has been to ensure that we have good conversations with people about what matters to them and ensure that we find solutions that will make a difference to their quality of life and wellbeing and to enable them to live at home for as long as possible. Some fuller detail might be helpful to explain this.

In West Somerset we have piloted a new approach to look beyond the traditional ways of supporting people by engaging with partners in our communities so that we are able to provide a wider range of opportunities for people that better support their needs and enable people to be more in control of their lives. By broadening the range of options we are able to tailor support and make it more personal. The trail lasted 6 months with really positive results so we are now rolling this approach out across the county. Some examples of how West Somerset residents have benefited:

While working with an elderly couple living in a rural area it became apparent that they were feeling increasingly lonely and isolated due to one of them having very poor mobility. The carer was struggling to cope and had asked for some respite care. Traditionally we would have put in a package of care so that someone from a home care agency would have come to the home and sat with the cared for person while the carer went out for a few hours or the day. Working in the new way, the social care worker talked to the couple about what mattered to them and it became apparent that the church had been a really important part of their life and that their isolation from this community had had a big impact on their wellbeing. The social worker linked with the local community agent who then worked with the local church community and within a day the church community agreed to set up a rota to visit the couple and enable the carer to have regular breaks. The couple are now connected to their friends in the church community and feel really well supported, this has enabled them to stay living at home. The outcome for the couple is so much better than had we simply reverted to putting in a package of care as although the carer would have been able to have time to recuperate, the cared for person would not have had someone they knew and shared interests with looking after them. So although this resulted in no cost to the authority except in terms of taking the time to listen and find solutions that would make a difference, the primary driver in seeking a solution was to enhance the couples lives, it was not cost driven.

One of our elderly residents in Sheltered Housing had been using the call bell every afternoon. Traditionally this might have led to the person being moved as the other residents were complaining. Taking time to listen and have a good conversation about what was important to the person, the adult social care worker identified that he was very lonely and desperately wanted to stay living in his home. The adult social care worker asked the community to help and there is now a rota of volunteers visiting the person. The number of times the call bell is used has reduced dramatically as the elderly person is now much happier and feels part of the local community. Again a really positive outcome for the person with no cost to the authority.

It is important to note that Home Care is still offered to people that need it and are eligible. The new approach has simply enabled us to ensure we are directing the right support to the right people to optimise the use of our limited resources and more importantly focus on ensuring we are fully listening to what matters to people. During the trial the West Somerset team demonstrated that the wait time for social care reduced; staff are more empowered and able to respond proportionately in a way that supports wellbeing as well as need; paid for care (eg Home Care, residential placement) is directed to those that really need it and reviewed regularly to ensure we are supporting recovery not dependency.

I hope this full response helps ease your concerns about the two issues raised and again I offer my full apologies for the very late nature of this response.

5. Learning Disability Provider Service

From Sean Cox

1. Dimensions, the proposed operator for the outsourced learning disability service, claim they have to make cuts to staffing and possibly close day centres because of a lack of funding. With this in mind, why is the cabinet proposing to only raise a 2% social care levy rather than the full 3% available in 2017/2018 and 2018/2019?
2. Does the cabinet agree that if the full 3% care levy (rather than 2%) were used across both years that it is available for, an extra four million pounds would be available for adult services, and this would ameliorate the need for further measures set out by dimensions in their letter to staff?
3. Numbers of people with learning disabilities are expected to rise by 13% in Somerset by 2020, and go up from 2500 to 11000 by 2030. Given this demographic challenge, is now not the right time to expand the council tax base by using the full social care precept of 3% in 2017/2018 and 2018/2019?

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

I understand that staff were written to outlining the areas where Discovery felt that changes need to be considered as part of the work that it is doing to ensure it is competitive within the local market. This is a market in which the council is not the only customer as people increasingly choose to commission their own care and support, and if it is to be successful it will need to be offer services that people want at a cost that they can afford. Now that the transfer has been completed I expect that Discovery will enter into a period of consultation in relation to any changes that it is proposing to make.

In your questions you have also asked why the council did not agree a higher Council Tax precept for adult social care. In terms of background it is probably helpful for me to explain that the precept cannot exceed a maximum of 6% over three years. This means that if it was raised by 3% this year we would not be able to raise it by more than a total 3% over the next two years, and that funding would therefore potentially decline in one of both of these years which is something that the Cabinet, while carefully considering the options, wished to avoid. The precept is also for the whole of Adult Social Care and we would therefore not be able to allocate it all to one organisation when the entire sector is experiencing similar financial pressures.

I continue to believe that, now that it has been completed, the transfer to Discovery will result in better quality, progression based, services and outcomes for the people it supports.

Again, my sincere apologies for the delay in this response being sent out to you.

6. Learning Disability Provider Service

From Suzanne Matthews

1. The minutes of the cabinet meeting on 11 July 2016 show that the member for adult social care expected a “small reduction” in cost from outsourcing the learning disability service, predicted to be £4m by the sixth year of the contract. Now that Dimensions have announced the cuts they plan to make to achieve such a reduction, what evidence does the cabinet have that quality can be maintained?
2. Given that the £4m reduction in cost of the learning disability service is apparently responsible for Dimensions’ cuts package which undermines the stated rationale of the transfer, will the cabinet explain why they are not planning to raise the full care precept when this could fill the gap in provision?
3. Consultations with learning disability service users and carers showed they valued continuity of care and were concerned about disruption of caring relationships. Dimensions have already noted a high level of anxiety among staff owing to proposed job losses and changes to working practices, terms and conditions. What evidence does the cabinet have that this will not jeopardise provision for vulnerable adults?

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

I understand that staff are anxious and we are working with Discovery to ensure that they are as well informed as they can be and that they get the answers to the questions they have asked in order to reduce this as much as possible. Ensuring that people with learning disabilities get a high quality service is the most important thing to both the council and new social enterprise, but in order to achieve this it will need to be sustainable, and we therefore understand the rationale for Discovery indicating the areas in which it wishes to consult on changes in the way that it has. We are working closely with Discovery in order to ensure that the care and support that is provided is not only not jeopardised, but improved.

In your questions you have also asked why the council did not agree a higher Council Tax precept for adult social care. In terms of background it is probably helpful for me to explain that the precept cannot exceed a maximum of 6% over three years. This means that if it was raised by 3% this year we would not be able to raise it by more than a total 3% over the next two years, and that funding would therefore potentially decline in one of both of these years which is something that the Cabinet, while carefully considering the options, wished to avoid. The precept is also for the whole of Adult Social Care and we would therefore not be able to allocate it all to one organisation when the entire sector is experiencing similar financial pressures.

I continue to believe that, now that it has been completed, the transfer to Discovery will result in better quality, progression based, services and outcomes for the people it supports.

Again, my sincere apologies for the delay in this response being sent out to you.

7. Learning Disability Provider Service

From Nigel Behan - Unite

The Unite/ESSU statement (appendix A) on the proposal to transfer 1200 staff to the Dimensions UK Ltd Group and supplemental:

<http://www.european-services-strategy.org.uk/news/2017/social-enterprise-plans-wage-cuts-redundancies/>

Q1 The existing turnover rate of staff in LDPS is high at about 15% and in the Autumn there were approximately 140 posts vacant.

Children's Services has been rated "inadequate" for 3 years by Ofsted and the service recovery has been blighted by staff turnover and recruitment and retention problems. How does the Cabinet member for Adults, this Council and the Director of Adult Social Services believe the recruitment and retention of staff in LDPS will be improved by proposals to drastically cut the pay, terms and conditions of the staff after outsourcing and transfer to Dimensions UK Ltd.

Q2 Can we please have a list of the Key Performance Indicators (KPIs) that will be used to monitor the outsourcing contract after staff transfer to Dimensions UK Ltd (which is currently proposed in just 6 week's time)? Where the KPIs are applicable to the In-House Service will they be baselined with the current In-House performance so that we can all see what better, worse or similar performance looks like if the outsource and staff transfer of this vital service to Dimensions UK Ltd proceeds?

Q3 How does the Council think this vital service to a vulnerable group of people (more than "customers") will be safely delivered if the staff are demotivated and demoralised by these cuts to pay, terms and conditions?

Q4 Given there are County Council elections in May and there is a possibility of a change in the Administration will the Council delay any outsource with staff transfer of LDPS to Dimensions UK Ltd so that a post-election review can take place?

Q5. Can the current agreement with Dimensions UK Ltd be set aside or cancelled?

Q6.

a) Will SCC demand a commitment from Dimensions UK Ltd to keep day centres open and have a veto on the proposals to close them and intervene if service users, parents, carers, families demand it?

b) In the light of the the recent proposals from the outsourcing contractor (Dimensions UK Ltd) will you please supply a copy of the updated Risk register and Issues Log?"

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

You raise a number of key issues which we have debated fully in Council and in public meetings since. However I feel it only right to restate the ambition of the social enterprise which is to improve the outcomes for our service users.

You will know that with increasing numbers of service users turning away from SCC and instead using their personal budgets in other ways – which incidentally is a good thing to have the choice – this means that the LDPS is financially unsustainable.

I know you disagree with the direction we have taken to deal with this circumstance but we are both aligned when we say that it is all about the outcomes.

You will also be aware of the misinformation and inaccuracies that have been published – especially on social media – about the transfer of staff.

I can assure you that as a commissioning body we retain our oversight of engagement and consultation and we have had discussions at the highest level with Dimensions both in Somerset and nationally to ensure that the proper process is followed.

You asked for key performance indicators to be provided and I have sent these electronically to you.

You asked further questions about deferring the contract which due to the time lapsed in sending this response have now been overtaken by events.

I hope you will agree that through our public meetings in Council, in Cabinet and in Scrutiny, we have discussed and answered all questions as they have arisen.

I know you are disappointed at the decision as taken but hope you will continue to work on behalf of all our service users.

Again my apologies for the very late response to your questions.

8. Learning Disability Provider Service

From Paul Kitto

I have worked with the vulnerable people of Somerset for over twenty five years and I and many other colleagues that I work with feel that now we need to speak up to ensure the quality of services are ensured for these vulnerable people part of the process of outsourcing was consultations with service users and their families which showed that in the transfer they wanted a continuity of service with the retention of current experienced and knowledgeable staff.

The Dimensions letter of intent stated that they intend to make an economic, technical or organisational case to allow them to overturn TUPE protections. UNISON asked 2 months ago for the ETO reason; Dimensions have still not provided any evidence of a financial reason.

IN Summery

Numbers of people with learning disabilities are expected to rise by 13% in Somerset by 2020, and go up from 2500 to 11000 by 2030. Given this demographic challenge, is now not the right time to expand the council tax base by using the full social care precept of 3% in 2017/18 and 2018/19?

How can the cabinet justify its proposal to hand over the LD service to Dimensions when they have announced cuts and possible closures specifically in order to reduce costs? Does the cabinet believe ending up with one bidder for the learning disabilities contract shows that there is too little capacity in the provider market for social-enterprise run learning disability provision?

With less than two months to the transfer staff believe that not enough time has been given through consultation to ensure that quality of staff will be retained which was clearly evident and requested from families who have vulnerable people currently receiving our quality service therefore how can the council go against the wishes of the people of their constituency.

Closing Thought

Have Somerset County Council learnt anything - back-office staff in Somerset were outsourced to South West One. This was a disaster and SCC had to take the service back before the end of the contract. The stage is set for another disaster except this time it is not back-office staff or systems but vulnerable service users and their families yes people of Somerset that would be severely affected if the service were to be effective.

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

May I also thank you for the questions you raised and the commitment you have shown – as a union member, staff and family member. We have listened carefully to all the questions raised and I know that whilst we have differences in this issue, we all in reality want the same thing, the best outcomes possible for our service users.

My formal response to your questions are as follows:

We continue to believe that the establishment of the new social enterprise will result in better quality, progression based, services and outcomes for the people it supports. We understand that staff are anxious and are working with the new social enterprise to ensure that they are as well informed as they can be, and that they get the answers to the questions they have asked in order to reduce this as much as possible. Ensuring that people with learning disabilities get a high quality service is the most important thing to both the council and new social enterprise, but in order to achieve this it will need to be sustainable, and we therefore understand the rationale for the new social enterprise putting forward the proposals for consultation that it has. We are working closely with the new social enterprise in the run up to the transfer in order to ensure that the care and support that is provided is not only not jeopardised, but improved.

In your questions you have also asked why the council did not agree a higher Council Tax precept for adult social care. In terms of background it is probably helpful for me to explain that the precept cannot exceed a maximum of 6% over three years. This means that if it was raised by 3% this year we would not be able to raise it by more than a total 3% over the next two years, and that funding would therefore potentially decline in one of

both of these years which is something that the Cabinet, while carefully considering the options, wished to avoid. The precept is also for the whole of Adult Social Care and we would therefore not be able to allocate it all to one organisation when the entire sector is experiencing similar financial pressures.

You also asked about the procurement and why this resulted in a single bidder in the final stage. This has been a unique procurement in that stakeholders were very clear in their feedback in 2014 that the new organisation needed to be a social enterprise and that they did not wish to see the service “broken up”, which would have resulted in multiple smaller contracts. This inevitably limited the number organisations that were likely to respond. Although the number of organisations involved reduced during the process following on from the initial Pre-Qualification Questionnaire, at each point this was for reasons outside of the control of the Council and not as a result of the way the procurement was undertaken, beyond the contract size and social enterprise requirement.

I continue to believe that now that it has been completed the transfer to Discovery will result in better quality, progression based, services and outcomes for the people it supports.

Again, please accept my full apologies for the lateness of this response and I hope that we can agree to work closely to ensure our service users have the best support possible.

9. Learning Disability Provider Service

Petition and Questions from Ewa Marcinkowska

The subject of the petition is: We staff, service users and their families were promised a quality service with continuity of staff. Only on one set of terms and conditions can we ensure this is achieved. The signatories demand that Learning Disabilities staff are kept on one set of terms and conditions.

Questions:

1. In consultations since 2014 the council has emphasised the need for the learning disability service to be transferred on the basis of care quality, and a paper about the future commissioning of services stated “there are no savings targets associated with this decision”. How can the cabinet justify its proposal to hand over the LD service to Dimensions when they have announced cuts and possible closures specifically in order to reduce costs?

2. Could the cabinet explain which of the cuts to staffing, terms and conditions, and day centre provision outlined in Dimensions’ additional measures letter it believes are conducive to its stated aims for the transferral of learning disability services, namely “sustainable and high quality services” .

Response from Cllr William Wallace – Cabinet Member for Adult Social Car

First my profound apologies for the length of time this response has taken before being sent to you the service have taken steps to ensure this does not happen again.

You argue passionately about the future of the learning disability provider service and I am grateful for your commitment and contribution to our Council over so many years.

I have to say there are elements of your points that I do not agree with but there are others when we are in unison – such as the need for change.

I believe that both in Council and in Cabinet we have had a full and forthright debate about the social enterprise contract however I would make the following points. The subject has been well-aired even if there was disagreement over the outcome.

We continue to believe that the establishment of Discovery will result in better quality, progression based services and outcomes for the people it supports. We understand that staff are anxious and are working with Discovery to ensure that they are as well informed as they can be and that they get the answers to the questions they have asked in order to reduce this as much as possible. Ensuring that people with learning disabilities get a high quality service is the most important thing to both the council and new social enterprise, and we are working closely with the new social enterprise in the run up to the transfer in order to ensure that the care and support that is provided is not only not jeopardised, but improved. For these reasons I do not believe that a deferral of the transfer would have been in the interests of the service, the people who use it and also their families and this is why the transfer went ahead on 1st April 2017.

We all have a part to play in the future of Discovery and I hope that despite our differences I can count on your continued passion and involvement in this key area of our Council.

Again my apologies for the lateness of this response.

10. Learning Disability Provider Service

From Jenny Winchester

1. When the decision was made by Council on 11th July 2016 to award the LDPS contract to the remaining bidder Dimensions, there was a recommendation that any profit made by the SEV would be kept in Somerset.

Can the Council confirm that this recommendation is to be implemented?

If this is not the case can the Council justify to the Somerset tax payer that any profit made by the SEV could potentially be used by the Dimensions group to benefit a non-profitable part of their organisation.

2. In an interview on 10 February, the councillor Wallace stated that no frontline staff would be affected by the transfer of the learning disability service to Dimensions. Can you explain how this can be true when Dimensions have stated in their further measures letters that they predict redundancies, cuts to salaries and to terms and conditions?

3. Turnover rates in the LDS are about 17% per year. Service users and their supporters have repeatedly stated they value continuity of care. What evidence does the cabinet have that planned cuts to terms and conditions will not increase the turnover rate further, hitting quality of care?

4. The LDS relies on committed and skilled staff to deliver the care its users expect. Does the cabinet think that cutting wages to only 10 or 20p above the legal minimum, as outlined by Dimensions, is suitable treatment for these staff?

5. Background provided for the transfer of the LDS service to Dimensions did not suggest that large scale restructuring and changes to terms and conditions would be necessary. Does the cabinet agree that the proposed transfer date of 1 April does not provide sufficient time for the legal consultation requirements and opens SCC to risk from legal challenge?

6. Dimensions propose to cut sick pay to the legal minimum in the LDS service, meaning staff will be more likely to attend work while sick as they would otherwise not receive pay for the first three days of illness. Would the cabinet member want a vulnerable person they knew to be looked after by a sick member of staff and why do they think this is acceptable for others?

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

The new social enterprise is a separate legal entity within the Dimensions Group. As a not for profit organisation it will not have shareholders and will not pay dividends. However, in order to meet its objective of being financially sustainable, it will aim to make a small surplus. All surpluses will be transferred to reserves, and as a social enterprise with the Social Enterprise Mark, it will be required to apply 50% of those surpluses to social initiatives in Somerset. The remaining reserves will either remain in the new social enterprise to support any working capital required, or be applied to social objects across the not for profit Dimensions group of which it is a member (which are consistent with the social objects of the new social enterprise).

11. Learning Disability Provider Service

From Jeanette Cave

Can the cabinet point to successful and unsuccessful examples of outsourcing of a learning disability service elsewhere and explain how they have learned lessons from these for their attempt to give Somerset's service to Dimensions?

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

I am grateful you took the time to raise points and issues about our learning disability provider service and hope you would agree that the subject was well debated and discussed even if you did not support the final outcome.

As you would have heard, our director of adults social services Stephen Chandler is very experienced in this area and indeed you referenced him in your question in relation to his former post in Shropshire.

My formal answer to your points is as follows:

In terms of the potential for changes to day services that you make reference to, there will be a review of day services, of which day centres are a part. It will last roughly a year and people who use services and carers will be absolutely central to it. We can't pre-empt the outcome of that review, nor rule anything out, but the aim is to make any changes that are needed so that services are better suited to what people want and help them to achieve their outcomes. The council has always been clear that we expected that services would need to change over time in the same way that they always have, and this is as much the case for day services as any other service.

Somerset County Council is unique in having retained a large in-house learning disability service for much longer than other local authorities. The majority of other councils transferred services to other providers over a decade ago, with a wide range of arrangements existing across the country. However, the approach that we have taken with the creation of Discovery is not directly comparable other transfers as the approach of procuring an organisation to create a new social enterprise has not been undertaken at this scale before. The reason we took this approach was that while a standard tender approach was rejected by stakeholders, there were also significant risks with creating a brand new independent organisation. We strongly believe that the approach we have taken both addresses the concerns of stakeholders while ensuring that Discovery is supported by an experienced and respected organisation in the sector.

I continue to believe that, now that it has been completed, the transfer to Discovery will result in better quality, progression based, services and outcomes for the people it supports.

Again I am grateful for your input into the debate and apologies once again for the very late response to your questions.

12. Learning Disability Provider Service

From Nick Batho

I have been involved in the evolution of in house LD Services into a Social Enterprise from the beginning. Until very recently it seemed as though we were heading in the right direction and that everything was in place to deliver a bright future for Customers, for their families and for the staff. All of a sudden our plans are starting to unravel. I have a lot of sympathy with what Unison are saying. It was never intended that staff should take a pay cut or see a worsening of their non salary benefits and it was certainly never in our plans that staff unable to accept new terms and conditions should be forced to leave the service, causing disruption to those they support. Staff who are transferring thought they would be protected by TUPE but it seems they were wrong.

Equally I can see where Dimensions are coming from. When we evaluated their bid we were impressed by their plans to improve the lives of adults with LD. But in order to put them into practice, to "make a difference" as Dimensions would put it, they need to deliver

a sustainable service for the long term and now they are saying the only way they can do that in the current financial climate is to streamline the cost of the workforce.

I'm sure you would agree that it is unacceptable for SCC to force an extremely loyal and very low paid workforce to accept a pay cut. It is equally unacceptable to disrupt the lives of vulnerable Customers who value continuity of care above everything else. I wonder if Councillors would have supported the formation of a Social Enterprise if they had been told of these consequences at the time the votes were cast.

So Mr Chairman can I urge you and your colleagues, as Commissioners of the Learning Disability Service and current employers of transferring staff, to address this issue with the utmost urgency? We cannot allow the Social Enterprise to start life with a disillusioned workforce, worried Customers and families and the potential for a very damaging dispute over Terms and Conditions.

What is needed is immediate consultation between all parties involved, including SCC, and a willingness by yourselves to relieve the financial pressure, so that the painful measures I have just identified, which will have such an adverse effect on staff and Customers alike, are no longer necessary.

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

I fully appreciate your involvement from the very outset of our plans in relation to the social enterprise and again thank you for your commitment to the service users you represent so whole-heartedly.

I do thank you for your comments and question. We do recognise the importance of balancing the transformation of services but also maintaining and delivering a financially sustainable service. We, like you, understand the value of our staff and their critical role in supporting customers and carers and will do all we can to ensure all the necessary consultation takes place between all parties.

I do understand the strong feelings expressed by our staff and agree with you that we need to work closely with Dimensions to ensure that we can bring staff with us on a journey that I know you support. There has been a lot said, some of it inaccurate, but there is no doubt that staff are hard-working, committed, and willing to do all they can for the good of our service users. That is why I am confident we can find a way forward that will be of benefit to those who need our support the most.

My apologies again for the late response and I look forward to seeing you again in the near future.

13. Stroke Services

From Amanda Broom

I would like to ask to see the impact statements and reports which Cllr Wallace has seen - I believe these have been used as evidence in the decision to remove the funding for the Stroke Association. I would like to see the proof that there is no longer a need for this service in Somerset.

Response from Cllr William Wallace – Cabinet Member for Adult Social Care

First my profound apologies for the length of time this response has taken before being sent to you, the service have taken steps to ensure this does not happen again.

I am happy to make the Impact Assessments produced by both SCC and the CCG available and indeed we shared these with the Stroke Association in early January.

You will be aware that since this service began, a range of other services that provide similar support to wider groups have become available via investment in community support options. These include health coaches, health connectors, village agents, community hubs, carers services and Carers Voice groups. In addition there are numerous Stroke Clubs which will continue and the Early Supported Discharge approach with Stroke is changing the way stroke sufferers are supported. Existing stroke support groups and volunteers will still be supported and the Clinical Commissioning Group are working with the Stroke Association to ensure a smooth transition for any people currently receiving individual services.

I hope this fully answers your question and again I do apologise for the delay in sending this response.