

Meeting of Somerset County Council held in the Council Chamber, Shire Hall,
Taunton on Wednesday 16 May 2018 at 10am.

Agenda Item 5 – Public Question Time

Public Questions / Statements

1. Libraries Consultation and proposed Unitary(ies) Authority (ies)

From Nigel Behan

In light of the recent proposal to explore the creation of new local government structures in Somerset, should the restructuring of the Library Service currently being consulted on, be suspended until the Unitary matters have been considered?

Response from Cllr David Hall

Thank you for your question Nigel. As you will be aware, the library consultation finishes in June. Any proposal for potential local government reorganisation is likely to take a number of years. The Library redesign programme is aimed at modernising Library provision in Somerset and putting the Library service on a sustainable footing for the future. So, in short the answer is “no”, the library service reorganisation and our plans to modernise the service will not be suspended.

2. Family Support Services

From Katherine See

With regard to the closure of Children’s Centres:

In the report of the scrutiny chair to Full Council it is noted that the Committee also reflected that the consultation exercise had been restrictive inasmuch as there was no detail or explanation of any alternative provisions/options provided and this had led to a perception that the changes were not being ‘user led’ and that children and families were ‘being done to, rather than doing’ themselves.

When will details of the new services, provisions, venues and locations be made available to the public?

Also Committee questioned if a cost benefit type analysis had been conducted to help gauge the cost of the existing range of provision and what type of additional costs/savings might then arise from going ahead with the proposed changes, therefore a pre and post reconfiguration cost analysis, together with gauging the opportunity cost of reorganising services and how this might affect hard to reach communities.

When will the Councils full costings for the new service model be made available to the public?

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

The development of the Family Support Service is a two-stage process. The cabinet decision taken in February 2018 to which you refer will have minimal impact on the services provided by the Council. Phase 1 will focus on the safe transfer of Public Health Nursing (Health Visiting and School Nursing services) into SCC by 1 April 2019. Phase 1 will also progress the de-designation of buildings and deal with the hand-over of buildings to schools and early years settings and develop plans for the eight family support centres and service delivery points. Getset will maintain the current offer, whilst we proceed with the de-designation and hand over of buildings to schools and early years settings. Where

venues change a full equalities impact assessment will be undertaken to ensure the Council continues to fulfil its public sector equality duty and will include the input of local service users.

As I said at the last full council meeting, in response to representations from the public and through our comprehensive consultation, we are looking again at our options in four areas. These areas are Minehead, Wellington, Chard and Yeovil and this work is ongoing.

Work is currently underway to develop the service specification for the new service which will include the local offer and service delivery points across the county, based on local need. An equalities impact assessment will be produced to identify impacts of the changes. This work is being overseen by both the Director of Children's Services and the Director of Public Health.

Phase 2 will address the integration of Public Health Nursing with SCC's getset service to form the new service.

Indicative costs and benefits based on current service models, and proposals for the building and accommodation requirements were presented as part of the cabinet decision papers. As the new service is developed post April 2019 (Phase 2) more detailed costs of the service will be developed.

3. PIMS (Physical Impairment and Medical Services)

From Katherine See

At the last Children and Families scrutiny meeting we heard Julian Wooster apologise for the way in which the proposed changes to the PIMS Team were being mishandled.

I feel that these revelations are extremely alarming and give rise to concerns about the honesty and accountability of Somerset County Council in general.

How is it possible that officers at the County Council can make decisions about the future support of children with disabilities, and even go so far as to issue redundancy notices with no consultation, no scrutiny and no cabinet decision.

Who are the members of the council who took those unauthorised decisions? What will the consequence be for them for these actions?

How can members of the public be reassured that this kind of illicit activity is not happening all the time at the Somerset County Council?

The handling of this matter goes way beyond a simple mistake which can be brushed aside with an apology. It calls into question the very fabric of the County Council and warrants swift, robust and transparent investigation.

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

Changes to services are frequently needed and especially so currently with significant pressures in budgets, which are well reported. As required when possible changes to services are needed, consultations in the first instance must be with staff to make them aware that changes may be required. The information to parents came as a result of the staff consultation. Julian Wooster has apologised for the anxiety this caused parents, gave assurance that for the parents of the most complex children that services would continue subject to a more robust consultation, which includes for some parents, face to face meetings. He has also asked officers to review how consultations with parents are conducted in the future to avoid any situation such as this happening again. This assurance has been given to scrutiny and discussed at Full council and is recorded within the minutes of that meeting.

4. PIMS

From Adam and Gemma Lorey

Someone at the council made a decision to make PIMST staff redundant before any form of consultation or decision being made by the cabinet, is this illegal?

The plans weren't even on the agenda for the scrutiny committee. SCC have a legal obligation to consult with those affected and have breached your own equalities impact assessment process. Can you confirm this is true?

We are concerned that the decision made at scrutiny was purely a time buying exercise. The language used was ambiguous and gives the Council a way to continue with its plans. It mentions "Upskilling". The PIMST staff don't need upskilling so this clearly refers to using school staff as per their original plans. Or "Upskilling" hearing and vision support staff? Is this your plan?

As a family we currently believe that you will now engage with some sort of consultation with parents and then continue with your original plans just like SCC did with the children's centres?

SCC should not have offered voluntary redundancy before decisions had been made by cabinet. Is this Correct?

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

Changes to services are frequently needed and especially so currently with significant pressures in budgets, which are well reported. As required when possible changes to services are needed, consultations in the first instance must be with staff to make them aware that changes may be required. Such processes are complicated. Not all decisions are cabinet decisions however consultations with families should have taken place and it is not usual for voluntary redundancies to be offered prior to the necessary decision making. Julian Wooster has already apologised for the way in which this process was managed.

Julian Wooster gave a reassurance that a proper consultation will now take place and continue to gather views and contributions from parents and families regarding the service for pupils with physical and medical needs. We appreciate the input we have received so far from the families visited, and are grateful for their time and honesty. We are looking forward to working with you further during the autumn term, when we will be discussing the proposals for the service design.

5. Changes to the Physical Impairment and Medical Support Team (PIMS)

From Nigel Behan

- a) Do the County Councillors endorse the recommendations in the recently published report (Proposed Changes to Support Services for Education – A Parent Carers View)

(<http://democracy.somerset.gov.uk/ieListDocuments.aspx?CId=132&MId=596&Ver=4>)

Recommendations

In light of this report and discussion with families we would like to make the following recommendations.

1. A workshop is held between Human resources, the SEND department, commissioning and Somerset Parent Carer Forum. We need to find a way forward which will allow the

duties of HR to be preformed while enabling meaningful participation on parents at the earliest point. Without this there is a risk we could experience this again.

2. There is a multi agency group to look at the impact of the proposed changes and to explore how this service can be jointly funded. Drawing on examples of good practice such as Liverpool.

3. There is a renewed commitment to the refreshed SEND Engagement and Participation strategy (appendix E) which places the voices of children, young people with Special Education Needs and/or disabilities and their families at the heart of decisions.

4. Scrutiny have oversight of the strategy on at least an annual basis and monitor its implementation 5. There is a review of the information services. Families who attended the events were unfamiliar with procedures, their rights and what to do when things are not going as planned. There also needs to be more clarity around the roles and powers of boards and committees with Somerset County Council and the Clinical Commissioning group.

6. Engagement events take place 6 months after the changes to measure the impact.

b) In addition to the questions we asked at Scrutiny (Children and Families):

Q1 Please will you review the data that has been presented (and quality assure) which appears to indicate errors in classifications of time allocations-monitoring of particular duties in PIMS and SENATAS?

Q2 a) The Somerset SEND Strategy (2016) shows that spend (cost pressure) in Special Schools is proportionately lower than comparable authorities who do not have the same type of PIMS service that Somerset has. Do you agree and will the proposed changes merely lead to transfer from one budget "pressure" to another (a bed-blocking analogy)?

b) Has this been included as a Risk and in the Equality Impact Assessments?

Q3 a) Will the latest versions of the Risk Register and Issues logs be provided for public inspection?

b) Have all the Elected Members (on this Committee and others) had regular sight and access to the Risk Register and Issues Log?

Q4 Relates to Section 3 Background (page 36)

i) "The Special Educational Needs Assistive Technology Advisory Service (SENATAS) is an integral part of PIMS and offers an assessment and advisory service for all children and young people who require alternative recording methods or communication aids." Will the resources be maintained at the same level to at least maintain existing provision?

ii) "No national best practice guidance exists for the PIMS Team, as this is not a statutory function. Somerset is unusual when compared to other Local Authorities, many do not have a dedicated team. In Cornwall the service is delivered by Health, in Dudley it is solely providing training to school staff in the understanding of their duties, and in Worcestershire, support is provided through Special School Outreach." Can you supply full costings and comparisons producing a baseline (see Q2 a) above) for example Health expenditure in local authority areas?

Q5 How can you be sure that "All families received a letter before Easter about the proposed changes"?

Q6 a) How do the existing and proposed services compare with the service delivery in Somerset's "Children services statistical Neighbour benchmarking tool" as shown on the Department for Education section of the government website?

b) How do the Finances compare on a like for like basis and why has the information from other LAs not been supplied?

In Section 3 of the Equality Impact Assessment it is stated "The limited data suggests Somerset are spending more to support CYP with a physical impairment than other authorities. SSE have requested additional data from six LAs relating to the spend associated with SEN support services from S251 budget statements. Unfortunately, there has been no data provided by these LAs."

c) How confident can the authors of the report be, that decisions have been made based on sufficient evidence ("the limited data suggests")?

Q7 In the "Support from the LA" section of the EIA it is stated that: "The LA have routes of accountability to ensure that schools are using their resources appropriately to support children and young people with SEND." Where organisational processes are detailed. How is this communicated to Parents, Families Children and Young People and Carers and how can they be actively involved in shaping and influencing services – and raising concerns?

Have Councillors and Officers considered visiting Liverpool – with Families to see examples of good practice?

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

As stated at full council yes the council accept all the recommendations

1. The data provided in the report produced by Somerset Parent Carer Forum was calculated through a review of the timetables of the staff members concerned. This data is reliant on the individual staff members updating their calendars.
2.
 - a) The Government has changed the way that schools and the LA are funded and this has created the need to review budgets and clarify how services are funded and what they provide. It does not automatically follow that undergoing such a process pushes pressures from one budget to another, and as reported routinely budgets are under pressure in all areas of the Council.
 - b) This has not be included as a risk and the EIA as explained above it does not automatically follow.
3.
 - a) Yes all risk registers are available for public inspection
 - c) The EIA has been drafted and shared with officers as directed. Members are, and have been, welcome to review the ongoing updates to the EIA which demonstrates the changes to the proposals as a result of consultation.
- 4
 - i) The SENETAS post is not subject to any proposed changes. Those who require high tech communication aids will continue to be in receipt of the same levels of support from specialist advisory staff.
 - ii) It is not possible to provide a baseline as requested.
- 5) Letters were sent to all parents' addresses which are held.
- 6)

a) and b) The benchmarking tool does not specifically allow this as not all LAs have the same services.

c) Based on the responses given to a) and b) it can be seen that the authors have used the information which is available.

7) All schools are required to provide pupil census information. This information can then be matched to schools' allocated school budget for SEND. This information is available to all parents through the required annual school information report and reports to the governing body. Going forward parents will be more closely involved in influencing the way we deliver services to them and their children.

6. Learning Disability Services Contract

From Cheryl Freeman

As my husband Alan stated at Scrutiny committee last week we were initially told as a family, by Cllr John Osman and Cllr Christine Lawrence, when the 'consultation' began, the exercise was not one of cost cutting. In all the meetings we attended we were led to believe carers and families were being listened to. When did this change?

Response from Cllr David Fothergill, Leader of the Council, on behalf of Cllr David Huxtable, Cabinet Member for Adult Social Care

As we know this contract was the outcome of lots of work by families' staff and commissioners. Its aim has always been to deliver a modern aspiration based service that was attractive to both existing and future customers. A key component of this is always been to ensure maximum use of resources. We remain committed to work in partnership with families as we redesign and develop services.

I understand Stephen Chandler has already had discussions with Discovery regarding the query relating to medication errors. As he said at the scrutiny meeting only four medication errors are recorded as having reached the safeguarding threshold but he is also reviewing any medication -related information that has been received not requiring a safeguarding response.

Finally, this contract has been the subject of numerous questions, has been the subject of several scrutiny items and has been subject to a task and finish exercise. It is critical that we ensure the aims of the contract are delivered, a modern transformed and cost-effective service meeting the needs of local people. This is not the sole remit of people working in the service but of the system itself.

7. Learning Disability Services Contract

From Sarah Mainwaring

On the Scrutiny Committee meeting 9th May, Agenda item 5 Learning Disability Service, at the Public Question Time, one of the Discovery employees wrote: Medication errors now are immense and have gone to safeguarding as support workers are struggling to shift lead and manage Agency Staff.

Stephen Chandler, the Director of Adult Services responded that he had heard of just few medication errors within a number of months.

How accurate are information received by Mr Chandler?

There is a great concern amongst staff that many incidents of medication errors are not reported to safeguarding; when it came to my attention, 4 errors occurred within a month in one of services, also staff were undergoing disciplinary procedures due to errors with medicines. Mr Chandler expressed desire to know the real figures. Can the Director of

Adult Services ask Discovery how many medication error incidents are reported on the portal?

Response from Cllr David Fothergill, Leader of the Council, on behalf of Cllr David Huxtable, Cabinet Member for Adult Social Care

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8. Learning Disability Services Contract

From Ewa Marcinkowska

1. From the reports of Discovery staff (Learning Disability Service), there is clearly reoccurring theme of employees feeling stressed, overworked and undervalued. Unison requested Discovery last month, to provide their staff with stress risk assessment. The request has been declined, referring to the staff survey that has been underway since January. Last week at the Scrutiny Committee for Adults and Health we found out that the results of the survey would not be available before September. That seems like a very long time to take action? How many staff could be lost by then, and off sick with stress by then? Is the Council confident that the LD Service Provider Discovery can re-gain their staff trust, if they fail to address serious employees concerns and issues within realistic timescales? Quoting SCC councillors-Staff are the service.

2. Discovery has been breaching for over 3 months a trade union agreement with Unison after withdrawing stewards facility time for performing their regular trade union role and duties apart from formal meetings. This does not help with fostering positive industrial relations between Unison members, who form the majority of the Discovery workforce, and the employer. I have been confirmed as a LD Convenor last month and have not been granted yet any facility time to be able to fulfil my role. Requests for discussion to reach agreement are being delayed from Discovery side, leaving me feeling disappointed, under high pressure and stressed.

SCC stated in the Scrutiny Committee for Adults and Health meeting outcomes on 9th May, that it is committed to make every effort to ensure Discovery's contract is successful. Does the Council realise that to have any chance to achieve this success Discovery has to take their staff on the journey together with them? And not distance themselves by failing to listen to employees and trade unions.

Response from Cllr David Fothergill, Leader of the Council, on behalf of Cllr David Huxtable, Cabinet Member for Adult Social Care

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9. Learning Disability Service (Discovery – Dimensions UK Ltd)

From Nigel Behan

At the Scrutiny for Policies, Adults and Health Committee held on 9 May (Outcomes) it was agreed that:

<http://democracy.somerset.gov.uk/documents/b1931/Summary%20of%20outcomes%2009th-May-2018%2010.00%20Scrutiny%20for%20Policies%20Adults%20and%20Health%20Committee.pdf?T=9>

“b

SCC through its locality Social Work teams should ensure that the annual review of Individual Needs Assessment (INA) of every Discovery customer is completed and up to date by 30th September 2018. This is in line with Care Act requirements. SCC locality staff should work closely with the individuals, their families and staff in completing the review of needs.

....e. The Adults and Health Scrutiny Committee should receive a full briefing on the results from the four surveys initiated by Discovery at their September meeting. The Staffing survey update should include a specific focus on the Retention Strategy and its' impact.

f. The Adults and Health Scrutiny Committee should review the progress of all these recommendations, in addition to receiving updates on the Contractual Key Performance Indicators and Dashboard, at its' meetings in September 2018 and March 2019.

It was also agreed that the Lead Commissioner provide a proposal to the Committee meeting in July 2018, for additional mechanisms which may be useful in providing stakeholder involvement for reviewing and monitoring the service improvements.”

- a) Does SCC have the capacity and resources to ensure annual reviews of Individual Needs Assessments (INA) of “every Discovery customer is completed and up to date by 30 September 2018”

- b) Will full briefing include provision of the comprehensive data compiled in the surveys?
- c) Will the complete set of Key Performance Indicators and Performance Indicators be published for each month since the start of the contract in April 2017 so patterns and trends can be identified – including areas of activity that require improvement?
- d) What oversight will the County Council have of the progress (or otherwise) of the performance of the contractor Dimensions (UK) Ltd?
- e) What options will be available to the Council if the reported poor performance continues?
- f) Does this Council believe the Scrutiny Task and Finish Group should have investigated and commented on the terms of the contract (including staff terms and conditions)?
- g) Please can we be signposted to an **up to date** Business Case?
- h) Is there a Plan B?

Response from Cllr David Fothergill, Leader of the Council, on behalf of Cllr David Huxtable, Cabinet Member for Adult Social Care

Nigel, as always, a detailed question and indeed covering several areas linked to this contract that answers have previously been provided to. I don't believe there's anything further to be added to answers already provided at previous meetings or to the scrutiny committee.

ANNEX B

Elected Member Questions

1. Shared council services

From Cllr Simon Coles

1. Please can the Leader of the Council inform the Council of the "cross boundary" work going on between Devon & Somerset? and whether BANES, North Somerset or Bristol City Council are being included in any discussions?
2. Could he please explain how much work he has done on the integration of Local Council services across the southwest peninsular?

Response from Cllr David Fothergill, Leader of the Council

2. Unitary proposal

From Cllr Liz Leyshon

Can Council be assured that all conversations on any possible Unitary solution to the local governance of Somerset be cross party as well as cross authority? Does the Council have any indication on whether there are Government funds to assist the process of reorganisation should the conversations within authorities and with the residents of Somerset be of a positive nature?

Response from Cllr David Fothergill, Leader of the Council

3. Council finances

From Cllr Liz Leyshon

This Authority has been fortunate to have benefited for 31 years from Kevin Nacey's advice and knowledge, he has done his utmost to achieve the best for our communities. Somerset has been privileged to have such a nationally recognised senior officer leading the way, Liberal Democrats past and present would like to thank him and wish him well for the future.

With the significance of the Section 151 Officer leaving how will this Council reassure residents of its financial stability now and in the future?

Response from Cllr Mandy Chilcott, Cabinet Member for Resources

4. Asset list

From Cllr Tessa Munt

Could a list detailing the assets purchased by Somerset County Council since May 2009 be published?

Response from Cllr Mandy Chilcott, Cabinet Member for Resources

5. Library Service consultation

From Cllr Liz Leyshon

Can Council be assured that the small team of officers working on the Somerset Library Service consultation have adequate time and resources to work on the increasingly bespoke arrangements for many of our County Libraries. And, once the consultation is complete, can we be assured that as part of the recommendations the professional staff, with their experience, knowledge and skills, will be deployed in such a way that the Library service continues to be efficient as well as comprehensive?

Response from Cllr David Hall, Cabinet member for Economic Development

6. Pot Hole fund

From Cllr Simon Coles

Can we have an update please on the current overspend position for the "pot hole" fund and what measures is he taking to ensure that pot holes are dealt with in a timely manner? The roads of Somerset are deteriorating faster than our contractors are able to deal with them.

The roads of Somerset are looking more and more like a "patchwork quilt" in the longer term this will inevitably lead to a much higher cost of repair, Is there a plan in place and if so will he share it with us today?

Response from Cllr John Woodman, Cabinet Member for Highways and Transport

7. SIS scheme

From Cllr Simon Coles

We are being told that the "SiS" scheme is now being spread over three years is this correct? If this is correct and the scheme has been revised to £500,000 per annum in each of the next three years instead of £1.5million in the next financial year.

Can he please tell us on what basis will schemes progress? I am sure that all County Councillors with a scheme in the round would like to confirm to their residents the likely timing of these much needed improvements.

Response from Cllr John Woodman, Cabinet Member for Highways and Transport

8. Children's Services

From Cllr Jane Lock

Are Children's Services on track for the necessary reduction in the use of locums social workers? What percentage of the workforce are currently locums broken down by District areas? What is the target for 2018/2019?

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

9. Children's Services

From Cllr Tessa Munt

Could the Director for Children's Services confirm:

- i. the numbers of staff in his Department and a full breakdown of levels and grades, including vacancies and posts currently in recruitment?
- ii. the percentage of locum staff used by his Department and the costs of those locums?
- iii. the target percentage and target costs for locum staff within his Department for the last year and the current and next financial years?
- iv. the target reductions for the percentage and costs of locum staff within his Department for the current and next financial years?

Response from Cllr Frances Nicholson, Cabinet Member for Children and Families

10. Learning Disabilities

From Cllr Bill Revans

1 Adults with Learning Disabilities - Day Services

A year ago, Luke Joy-Smith of Discovery promised that within 12 months, every person using Day services would have an updated needs assessment from SCC. In a recent newsletter from Discovery to customers and carers, Discovery said that: 'SCC recognise that the Individual Needs Assessments are a priority, but have not been able to complete them.' Adults and Health Scrutiny have requested that these assessments be completed as a matter of priority.

How many customers currently use Discovery day services?

Of these, how many have a Care Act compliant needs assessment, i.e. completed since the publication of the Care Act?

How many of these have had a needs assessment since Discovery was launched?

What is the timeline for completing all of these assessments?

What are the legal implications for the council where people have never received a care act compliant assessment?

What does the delay in completing assessments mean for the transformation of Day services' timeline?

What are the financial implications for the council of this delay given that Discovery are holding the council responsible?

What extra resources do SCC Adults Social Care need to fulfill this priority?

2 Adults with Learning Disabilities - Residential Care

Prior to LD Services transferring to Discovery, significant savings (around £700k p.a.) were attached to the conversion of 6 residential care homes to supported living. Delays in completing these assessments were a key reason for time lag prior to the transfers.

What is the current state of play with the transfers?

What is the timeline for completing the transfers?

What are the financial implications for the council of these delays?

What extra resources do SCC Adults Social Care need to fulfill this priority?

3 Adults with Learning Disabilities - Discovery

In a presentation to Cabinet on the 15th March 2017 the criteria for the commissioning of Adults with Learning Disabilities services to a new provider were given as:

1. An organisation that understand what works well and what needs to be changed in order to improve services for customers and carers
2. An efficient, financially sustainable, organisation that is completely separate from the Council
3. An organisation that is able to innovate and develop new services to meet the needs of both current and future customers
4. An organisation that knows how to market itself and is able to attract new customers

5. An organisation that understand how to communicate with its customers, carers and staff and which manages change well

After one year, how well does the cabinet member think Discovery are meeting these criteria?

Response from Cllr David Fothergill, Leader of the Council on behalf of Cllr David Huxtable

11. Adult Social Care budget

From Cllr Simon Coles

1. How confident is he that the budget proposal for Adult Social Care is robust?

Bearing in mind the anticipated overspend.

2. How will he ensure that this vital service is properly funded?

Response from Cllr David Fothergill, Leader of the Council on behalf of Cllr David Huxtable