
SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE

SUMMARY OF OUTCOMES

1 March 2017

(Published on 03 March 2017)

Minutes from the previous meeting - Agenda item 3	Action
<p>The minutes of the meeting held on 25 January 2017 were accepted as being accurate and were signed by the Chairman.</p>	
Public Question Time - Agenda item 4	Action
<p>There were seven public questions.</p> <p><u>Nigel Behan asked the following questions in relation to Item 5:</u></p> <p>Q1 a) When this Committee went into private session (press and public excluded) at the end of June last year was there any indication that Dimensions UK Ltd would offer to close day centres, make redundancies, cut pay, sick pay, terms and conditions of employment?</p> <p>b) How have service users, parents, carers, families and community and voluntary organisations been informed and consulted on the Dimensions UK Ltd proposals?</p> <p>c) Dimensions UK Ltd have not released the Economic Organisational and Technical (ETO) reasons for the proposed changes. The only reason given to date is they want to align with the Dimensions national structure (the Social Enterprise Vehicle seems to be a halfway house to take-over?) - can we be provided with the ETO reasons?</p> <p>Q2 a) Will this Scrutiny Committee support the reasonable request for the business case on which the Cabinet made the decision July 2016 to be released into the public domain as this is a public service, operated by public funds and there is only one bidder limiting the benefits of (so-called) competition?</p> <p>b) Will this Committee recommend a delay in the transfer of 1200 staff to Dimensions UK Ltd to allow for the current levels of uncertainty to be addressed?</p> <p>Q3) a) The financial profiles indicate that after 6 years the forecast saving is £4m? Why is Dimensions UK Ltd getting a taxpayers "dowry" £6m upfront?</p> <p>b) Have Dimensions UK Ltd profit (surplus) forecasts been shown to you and have they been significantly amended since June 2016?</p>	

c) Has SCC asked Dimensions UK Ltd to make greater savings than were agreed by Cabinet in July 2016 when SCC decided to give a contract to them?

Q4 a) Have the risks of recruitment and retention been addressed in the risk log and for service continuity?

b) Has SCC assessed the risks of a legal action on lack of consultation?

c) If this controversial outsource of LDPS fails then will there be a Plan B (including an In House Service Improvement and Innovation Plan)?

Ewa Marcinkowska asked the following question in relation to item 5:

Q1) Staff turnover rates in the LDPS 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?

Sara Mainwaring gave the following statement in relation to Item 5:

'I've worked in the LDS since 1997 and it's clear to me how important this service is to vulnerable people in Somerset. The county-council run service is something staff are proud of and users and their carers are confident in it. Now all this is up in the air thanks to the transferral to Dimensions. When the consultation was done the council made some good points about sustainability and promised that it wouldn't be about cutting costs. Now I feel they've gone back on their word and I don't know what my job or my finances are going to look like after Dimensions make their cuts. The transfer date is approaching and it doesn't feel like anything has been sorted. I didn't sign up to see the jobs of me and my colleagues at risk and my wages reduced.

Staff, service users and their families feel disappointed William Wallace and the council did not address the questions asked by concerned staff and the public.

Staff, service users and their families already feel misled by Somerset County Council and the evasiveness of the councillor to address the concerns has further disappointed them.'

Sara asked the following question:

Q1) 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?

Ginny Johnston made the following statement regarding Item 5:

'This job is all about relationships and you have to be prepared to give your

all to the service users. But that's really hard when I don't know what's going to happen to my job and my pay. Somerset is not a cheap place to live and I don't earn much – it seems wrong and unfair to me that the county council is letting Dimensions cut our wages. I don't want to leave the area but if I can't afford to live here after Dimensions take over I'll have to move. I'm not the only one thinking this and the LDPS will be at risk of losing experienced and skilled staff, undermining the continuity of care that service users were promised in the consultation. Maybe changes need to be made but not all on Dimensions' terms.

Ginny asked the following question:

Q1) 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?

Sean Cox made the following statement in relation to Item 5:

'Having moved to Learning Disability services from the prison service I have already seen firsthand the dangerous impact that cuts can have on vulnerable people. The transfer of LD services was intended to maintain quality of care and I am concerned that the reality proposed by Dimensions seems so far from this original principle. I am proud to currently work within a team that provides a fantastic service and has a great relationship with the customers. Proposed changes to terms and conditions are already leading to staff looking for work with other employers, who they feel will value them. It really concerns me that Dimensions are so willing to risk the relationship between staff and the customers who they provide essential care to everyday.'

Sean asked the following questions:

Q1) 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?

Q2) 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?

Nick Batho made a statement in relation to Item 5:

Mr Batho stated that he was part of the panel that wrote the specification for the social enterprise. Dimensions needs to streamline management, modernise services and make changes to terms and conditions. He recognises the short notice to staff, that nobody likes change and that staff concerns need to be addressed but does not feel that this justifies delaying the transfer. Social Care is underfunded and this will need to be dealt with

<p>either by the in-house service or Dimensions.</p> <p>He is confident that Dimensions will deliver high quality care and he is not aware of any alternative plan. He urged the Cabinet not to delay the transfer because of the negative impact that this would have on customers and also on tax payers. The customers are the most important aspect and transferring the service is the best way to ensure that they are catered for.</p> <p><u>Campbell Main made the following statement prior to Item 9:</u> Campbell Main, Somerset parent, noted the low proportion of Somerset folk receiving self-directed support (from the ASCOF data). In his experience, in a supported living context, this was the key to rapidly raising service quality i.e. transferring the payment to the person needing the support and their families</p> <p>He also noted decreasing satisfaction with services by service users and stated that low overall satisfaction and difficulty in finding information about services was linked to six years of cuts to funding for the voluntary and third party sectors.</p>	
<p>Learning Disability Provider Service update - Agenda item 5</p>	<p>Action</p>
<p>The Committee received a verbal update from the Director of Adult Social Services regarding the transfer of the Learning Disability Provider Service (LDPS) to a Social Enterprise – Dimensions. The Director began by thanking members of the public for their questions and confirming that formal written responses will be sent for all Public Questions.</p> <p>The Committee heard that the decision to transfer the LDPS was part of a very long process emerging from the need to make significant changes to the way that the service is delivered. The current, in-house, service has become increasingly less competitive, has poor physical environments with limited opportunity for community integration and has struggled with sustainability. The service needs to modernise and in order to be sustainable; the service needs to address its major cost element which is staff costs.</p> <p>The Director stated that the LDPS staff are highly valued and have been critical to providing services. He empathised with staff and understood their anxiety over potential changes to their terms and conditions but stated that there have been no discussion of this to date with Dimensions. This will instead take place after the transfer.</p> <p>It is important that people with learning difficulties are supported with a modern service that is affordable. The service will transfer on 1st April 2017 and there is a transition team in place to manage this. The Director felt strongly that any delay to this transfer would be detrimental.</p> <p>The Committee discussed: whether the original business case had changed; whether Cabinet & SLT were aware that changes would be</p>	

<p>made to staff terms and conditions; capital receipts and the use of surplus funds.</p> <p>A Committee Member made a proposal that ‘following information which has come to light since the original decision was made, in terms of potential closures of day centres and changes to staff’s pay and conditions and following the total non-assurance from the Cabinet Member that we cannot guarantee that these will not take place, then the Adults and Health Scrutiny Committee wish to refer this back to the Cabinet to ask for a delay of the implementation of this transfer (the Council’s Learning Disability Provider Service) until after the May election and to urgently review the original decision.’</p> <p>The proposal was seconded and the Committee moved to a vote. There were three votes in favour and three votes against. The Chairman used her casting vote and the vote was carried.</p> <p>The Committee made an urgent recommendation to Cabinet to reconsider its original decision made in July 2016 and to consider a delay of the transfer of the LDPS until after the May elections.</p>	
<p>Mental Health Services Update - Agenda item 6</p>	<p>Action</p>
<p>The Committee received a report from the Head of Mental Health Services with an update on Mental Health Services for adults and their development in Somerset.</p> <p>The Committee heard that significant progress has been made since the last report. The performance and quality of the services commissioned by Somerset CCG is monitored via monthly and quarterly contract review meetings. SCC also has monitoring arrangements in place for the Mental Health Social Work Service as well as for their other commissioned services.</p> <p>In implementing the Five Year Forward View for Mental Health, a number of bids have been submitted to NHS England to invest in and further develop services. These include a bid for a specialist Mental Health Liaison Service within the Acute hospitals and a bid to extend Improving access to Psychological Therapies (IAPT) services to individuals with a broader range of conditions. As opportunities present, the CCG will work with partners to develop and submit further bids to meet the ambitions set out within the Five Year Forward View.</p> <p>During 2017, the new SCC commissioning intentions for adults’ mental health and dementia care and support services will be implemented, which will see a refocus on the importance of community and outcome-based support options that promote independence and enable individuals to work towards recovery.</p> <p>The Committee heard that, while services have developed, there is always</p>	

<p>more to do in assuring that outcomes are being met and that people have ease of access to the highest quality of service to meet their needs.</p> <p>The Committee discussed: waiting times from GP referral to treatment; and the impact that MTFP cuts and service re-design may have on these services.</p> <p>The Committee noted the report.</p>	
<p>Patient Safety & Quality Report - Q3 2016_17 - Agenda item 7</p>	<p>Action</p>
<p>The Committee considered a report from the Deputy Director of Quality, Safety & Governance, Somerset Clinical Commissioning Group (CCG). The report provided an overarching update to the Committee on quality, safety and patient experience of health services in Somerset.</p> <p>The Committee were advised to consider the following key areas: Serious Incident (SI) investigations (section 5); NHS England CCG Quality assurance (section 7); and Mortality Rates (section 9).</p> <p>The Committee discussed: the increase in SI's in Q3 particularly from Somerset Partnership; and concerns at Weston Hospital over SI and mortality figures;</p> <p>The Committee noted the report. It requested a performance update from Weston Hospital and an update regarding gynaecology waiting times and the programme of recovery at Taunton & Somerset NHS Trust.</p>	
<p>Corporate Performance Monitoring Report - Q3 2016_17 - Agenda item 8</p>	<p>Action</p>
<p>The Committee considered this report that provided Members with an update on performance across the organisation. There are four "Council" segments which seek to measure how well the council manages its relationships with partners, staff and the public and how good its 'internal management' processes are. There is one segment that seeks to reflect the performance of the Vision Projects being undertaken by the Vision Volunteers.</p> <p>The report summarised that there are three red segments: P1 which is red but improving; P3 which is red but improving and C4 which is red but improving. P1 falls under the Committee's remit and the Committee agreed to discuss this in more detail during Item 9.</p> <p>The Committee noted the report.</p>	
<p>Adult Social Care Performance Update - Agenda item 9</p>	<p>Action</p>
<p>The Committee received a report from the Adults and Health Operations</p>	

<p>Director. The report summarised the current performance of Adult Social Care in Somerset and provided benchmarking data showing how Somerset's data compares to other Councils in Somerset's 'family group'.</p> <p>The Committee heard that analysis of the data presents a mixed picture of performance. The data shows that year on year there have been improvements across almost all measures including: a decrease in permanent admissions to residential/nursing homes, particularly for older people (aged 65+); and an increase in overall satisfaction of people who use services. Somerset's performance against the two measures concerned with clients with learning disabilities is good. The Director stated that where performance is improving, it is often in relation to changes that have been made within the service.</p> <p>However, the data also highlighted areas for improvement including personalisation, a key measure of which is the proportion of eligible users who receive personal budgets. Whilst Somerset does offer an average number of direct payments, these are often being used to fund traditional services and not being used creatively. Another area for improvement is the number of younger adults (aged 18-64) being placed in residential/nursing homes.</p> <p>The Director of Adult Social Services added that he was disappointed with the report and that it reflected the paternalistic approach taken by the service in the past. It is hoped that some improvement will be seen in the 2016/17 data and certainly the 2017/18 data as the service can and should do better. The Director recommended that the Committee receive a regular update on performance.</p> <p>The Committee discussed the need to reform the service and make improvements to performance.</p> <p>The committee noted the report and requested regular updates in future.</p>	
<p>Reable Somerset Contract Update - Agenda item 10</p>	<p>Action</p>
<p>The committee received a report from the Strategic Commissioning Manager, Adults and Health which provided an update on the decision to abandon the Reable Somerset procurement.</p> <p>On 14 December 2016, the Cabinet decided to award contracts (by two geographical lots) to Provider A for the provision of Reablement Services.</p> <p>Officers carried out the appropriate due diligence checks prior to the decision to award. However, due diligence is a continuing obligation with further significant checks carried out following the award decision but prior to the signing of the contract(s).</p> <p>During the standstill period, Officers received information which merited</p>	

<p>careful consideration and the standstill period was formally extended for Lot 2. As Provider A was the successful bidder for both lots, the contract for Lot 1 has not been progressed to signature either.</p> <p>Provider A has informed the Council that it would need to make material changes to their delivery model. The changes were not part of the tender that was evaluated by the Council. Information has also been obtained from Provider A's referees and from Provider A in order to ensure the Council makes an informed and proportionate decision which respects EU procurement principles and complies with the Public Contracts Regulations 2016.</p> <p>As a direct consequence of the information received at various stages since the decision on 14 December 2016, including that information voluntarily provided by Provider A, Officers do not consider that it is in the best interests of the Council or the vulnerable users of the Reablement Service to proceed with concluding the award to Provider A. Furthermore, Officers recommend that the entire procurement (both lots) is abandoned in order to take time to consider carefully the issues raised by the current procurement process and whether they might need to be reflected in a revised procurement.</p> <p>This decision was taken by the Leader of the Council on 02 February 2017.</p> <p>The Committee discussed: the procurement process and lack of competitive dialogue; the quality of the evaluation questions used; the costs of abandonment and whether the Council planned to re-tender.</p> <p>The Committee noted the report.</p>	
<p>Scrutiny for Policies, Adults and Health Committee Work Programme - Agenda item 11</p>	<p>Action</p>
<p>The Committee considered and noted the Cabinet Forward Plan of proposed Key Decisions.</p> <p>The Committee requested the following changes to the work programme:</p> <ul style="list-style-type: none"> • A performance update from Weston Hospital • An update regarding gynaecology waiting times and the programme of recovery at Taunton & Somerset NHS Trust • Regular Adult Social Care Performance updates 	