

MEETING**SAFEGUARDING OVERVIEW AND SCRUTINY COMMITTEE****DATE AND TIME****WEDNESDAY 27TH NOVEMBER, 2013****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
4.	PUBLIC QUESTION TIME (IF ANY)	1 - 10

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AGENDA ITEM 4

No.	Questioner	Question
1	Gabi Maddocks	<p>"Can you reassure the disabled adults in Barnet that they will continue to have a safe and stimulating place to congregate on weekdays when Flightways, their current centre, is demolished, considering that this is their preference?"</p> <p><u>Response:</u></p> <p>Barnet Independent Living Service (BILS), a service of Your Choice Barnet (YCB) provides day opportunity services in a safe and stimulating environment in various locations across the borough, including Flightways. Although YCB will no longer use Flightways as a base from April 2014, they will continue to provide a service in various locations across the borough. Discussions are currently underway involving Barnet Council, The Barnet Group and interested individuals to look at other options going forward.</p>
2	Barbara Jacobson	<p>Executive Summary – It seems blindly obvious that the four recommendations are for actions that should have been taken when Your Choice Barnet was set up. Why were none of these points identified and acted on at that time, and what is the recommended deadline for completing them now?</p> <p><u>Response:</u></p> <p>The Task & Finish Group (T&FG) was established with a remit which included reviewing the business plan and considering whether the Your Choice bundle of services should be brought back in-house. On the latter point, reverting to the previous position of in-house services was rejected. The business plan agreed by Cabinet Resources Committee (CRC) in January 2012 for Your Choice Barnet (YCB) set out three phases for the company from go live to the present time. Phase One – Optimise (February 2012– October 2012) to focus on a safe handover of services and for YCB to begin the culture transformation with staff, employees and identify potential opportunities for business development. Phase two – Refine (February 2013 onwards) with a focus on undertaking detailed business planning based on actual activity levels and knowledge of the services based on the first year of operation; identification and delivery of efficiencies and competitively challenging for new business opportunities. The third phase Optimise according to the original business plan is scheduled to be delivered from October 2013 onwards with YCB having completed transformation activity, secured additional business, delivered identified efficiencies and maximised revenue streams. The recommendations made from the T&FG are consistent with actions expected to be taken during the first 18 months operation of YCB and are helpful. Subject to any comments from Committee, an action plan will be drawn up in agreement with officers from YCB including clarifying deadlines.</p>
3	Ruth Kutner (Mrs)	<p>What were the reasons underpinning the Task and Finish Group's decision not to make any recommendations about user/carer engagement in YCB? The proposed 'friends group' role is entirely financial and additional Council representation on the YCB Board does not address the issue.</p> <p><u>Response</u></p> <p>The Group were satisfied that YCB had acknowledged the need to increase user engagement and consultation and that this formed part of the on-going action plan.</p>
4	George Christodoulou	<p>5.5.11 Presumably the group's visit to Community Space took place when it was open. Why does a place designed for the care of a specific group of disabled people, like Community Space, previously known as The Space day centre, HAVE to BE closed on Fridays and the people it was designed for taken to other less suitable venues and then outside to garden centres, crowded supermarkets in all weather conditions?</p> <p><u>Response</u></p> <p>Your Choice Barnet (YCB) is dealing with this query through its complaints procedure. Any further queries should be taken up directly with YCB.</p>

5	Alex Woolf	<p>Your Choice Barnet is being run as a profit-making business, but how can you make a business out of providing care for the disabled?</p> <p><u>Response</u></p> <p>Profit making businesses have been providing good quality care and support services for a number of years in this country. This is not unusual. The local Authority Trading Company (LATC) was set up to maintain and improve services for customers and offer greater choice. As the sole shareholder of YCB any profits that are made accrue to the Council.</p>
6	Ruth Kissin (submitted by Tirza Waisal)	<p>(Appendix 1 of Item 6 - the Your Choice Barnet T&FG report) Why were the various reports submitted by UNISON on the options appraisal, business case and LATC Business Plan and the CADDSS report not part of the financial evidence considered by the Group (Para 5.12)?</p> <p><u>Response</u></p> <p>The T&FG, supported by the Head of Finance for Adults & Communities, undertook a detailed financial analysis of the Your Choice Barnet 2011 Business Case, 2011 Business Plan, 2012/13 Statutory Accounts, 2013/14 Budget, 2012/13 Annual Service Report and 2013/14 Operational Plan. This information was used to evaluate the financial position of Your Choice Barnet. The Group did consider the UNISON and CADDSS reports as part of the review and were satisfied that their own financial analysis was robust.</p>
7	Janet Leifer	<p><u>Para 1.2 Terms of Reference</u> How many service users and parents did the Task & Finish Group speak to directly in order to prepare report?</p> <p><u>Response</u></p> <p>The Group made a positive decision not to conduct further consultation in light of the on-going or recently completed consultations with staff, service users and carers. Submissions from groups who elected to contact the TFG during the review process to give their input were considered. The Group noted that a borough-wide call in the local media to lobby the TFG generated a zero response.</p>
8	Tirza Waisal	<p>Community Care has this to say about Personal Budgets: "Personal Budgets are an allocation of funding given to users after an assessment which should be sufficient to meet their assessed needs. Users can either take their personal budget as a direct payment, or – while still choosing how their care needs are met and by whom – leave councils with the responsibility to commission the services. Or they can take have some combination of the two" January 2007 and by September 2013 Community Care reported some 70% of all personal budgets were Council managed budgets So what is the legal basis for the statement that service users can no longer purchase services from the local authority and who provided this advice?</p> <p><u>Response</u></p> <p>Direct payments i.e. a Personal Budget that is taken a direct cash payment, cannot be used to purchase local authority services. Direct payments are intended to be used by the service user to buy independent care rather than have services provided directly by the council. Reference Source: "Direct payments and personal budgets for social care", SN/SP/3735, 2 November 2012, Manjit Gheera, Social Policy Section, House of Commons Library.</p>
9	Barbara Jacobson	<p>4.1 'Your Choice Barnet delivers care services to the quality expected by its customers and independent inspectors.' Given that CQC inspects only residential sites, thus excluding an evaluation of the day centres, and that the performance reports in Section 5 are based on a report by the Director of Business Services for the Barnet Group and not balanced by evidence from service users, how can the T&F Report be</p>

		<p>considered to be complete or objective or to have finished the task that was required?</p> <p><u>Response</u></p> <p>The TFG is independent of the Executive and politically proportioned. Members were free to examine and explore the issues within the scope of the review and to follow their own key lines of enquiry. In light of the challenging timescales for completion of the review, the Group elected to utilise existing information rather than undertake their own consultation or commission their own research. Your Choice Barnet performance reports were considered as part of the review. Members found no evidence to suggest that care quality was below standard.</p>
10	Ruth Kutner (Mrs)	<p>The report identifies one of the reasons why morale is low is the intention by YCB to benchmark salaries. This is almost the only reference to this key proposal to reduce budget costs by YCB in March 2013. The bulk of YCB costs is accounted for by staff. There is no exploration or analysis in the TFG report to the one proposal which will have the most significant impact on the financial situation of YCB, why is this?</p> <p><u>Response</u></p> <p>Salaries and individual staff members terms and conditions were outside the scope of this review. The Group reviewed the business plans and financial projections for Your Choice Barnet and were satisfied that The Barnet Group Ltd had plans in place to manage the finances of the organisations within its remit.</p>
11	George Christodoulou	<p>Have the alternative venues been visited by the Committee to establish their suitability?</p> <p><u>Response</u></p> <p>This question is outside the scope of the Task and Finish Group review.</p>
12	Ruth Kissin (submitted by Tirza Waisal)	<p>(Appendix 1 of Item 6 - the Your Choice Barnet T&FG report.) Why did the Group not consider YCB's financial beyond the current financial year 2013-2014? It makes reference to YCB being "out of overdraft by August 2014" but no attempt is made to identify the financial outcome of increased growth.</p> <p><u>Response</u></p> <p>The Group received financial assessment which included 3 year cashflow projections to March 2016. The Group considered the concerns regarding the financial sustainability of Your Choice Barnet and accept that business growth was a key part of this.</p>
13	Janet Leifer	<p>Para 6.1 Conclusions. Recommendation One How will Your Choice Barnet ensure that action is taken if the Your Choice Barnet Risk Register shows that the number of core permanent staff is inadequate?</p> <p><u>Response</u></p> <p>Your Choice Barnet (YCB) has carefully mapped out the numbers of people required to provide care in line with the commissioned hours for each person and monitor this position continuously and appropriate action taken. This risk is also monitored via monthly contract monitoring meetings between YCB and the Council's Adults & Communities Delivery Unit.</p>
14	Tirza Waisal	<p>The Review examined current evidence of increased income from outside the Borough but what additional evidence did the Group examine that would fulfil the terms of reference to evaluate "actions being taken to promote business growth" and the sustainability of YCB?</p>

		<p><u>Response</u></p> <p>The Group were informed that YCB were attending conferences and were actively bidding for contracts outside of the borough.</p>
15	Barbara Jacobson	<p>1.2 • Report on lessons learned from the outsourcing of the ‘Your Choice’ bundle of adults services to a Local Authority Trading Company Am I correct in assuming that the ‘lessons learned’ are the points identified in 5.2.3 as ‘areas of performance facing challenges’? If not, what are the lessons referred to?</p> <p><u>Response</u></p> <p>Section 5.2.3 summarises areas identified by Your Choice Barnet as requiring improvement. Relevant ‘Lessons learned’ not covered elsewhere were identified by the Group as being the risk posed by a lack of communication between Council and the Local Authority Trading Company and this is referred to in the recommendation made at section 6.4. The Task and Finish Group review as a whole was seeking to analyse any lessons learnt from delivering services via a Local Authority Trading Company</p>
16	Ruth Kutner (Mrs)	<p>In the report at 5.5.9 this seems to show that agency staff have been deployed rather than increase redeployment opportunities for staff at risk. There is a possibility that staff made redundant during the completion of the Supported Living restructure could have an unfair dismissal claim against YCB. Why has TFG not recommended that YCB follows employment law? Has the cost of unfair dismissal claims been calculated into the financial projections?</p> <p><u>Response</u></p> <p>All employers have a duty to comply with employment law. The Group found no evidence that Your Choice Barnet had failed to comply with employment law.</p>
17	Janet Leifer	<p>How will the Safeguarding Overview and Scrutiny Committee (or its successor committee) regularly monitor any progress made by Your Choice Barnet in implementing the recommendations?</p> <p><u>Response</u></p> <p>The role of the Safeguarding Overview and Scrutiny Committee is to consider and endorse the report of the TFG before onward referral to Cabinet. Subject to the agreement of the recommendations by Cabinet, the Scrutiny Office will track the implementation of agreed recommendations at six-monthly intervals. When the Committee receives the recommendation update, these will be RAG rated and the committee receiving the update will hold the responsible officers to account for delivery. These updates will be reported to the Safeguarding Overview and Scrutiny Committee (or its successor committee).</p>
18	Tirza Waisal	<p>In relation to the following quotes from the report: 4.4 Concerns over care quality were primarily based on reasonable apprehension towards the impact of staffing changes to morale and future capacity to provide market leading care. In addition, the CQC had identified one area requiring remedial action at Barnet Supported Living. At the time of this report there were no care quality issues warranting further action [my highlighting] and feedback on the quality of services demonstrated a high level of satisfaction.</p> <p>Also: 5.2.4 The Group heard how the Operational Plan for April 2013 to March 2014 addressed these issues through the development of an action plan which would: • Implement the new staffing structure, embed new teams and new roles, without impacting on service delivery [my highlighting]</p>

		<p>In light of the chronic and extremely high level of agency and as & when staff use across Your Choice Barnet services and in particular in Supported Living, and in light of the finding quoted in the <i>State of health care and social care in England in 2012/13</i> <i>Technical Annex 4 SKILLS FOR CARE (AND OTHER) ADULT SOCIAL CARE STATISTICAL ANALYSIS</i> that: “Vacancy and turnover rate: Higher turnover rates were correlated with higher death notifications, but higher vacancy rates were not. This may indicate that, while short term deficiencies in staffing numbers may be compensated for through efforts from existing staff, a higher degree of staff churn may be more likely to result in gaps in care. ”,</p> <p>also in light of the justly praised current high quality of service provided by permanent, long term, previously council employed support staff in these service, who are now being demoted and forced to leave due to the 'new staffing structure' mentioned in the Operational Plan (5.2.4),</p> <p>How are you intending to ensure there will be no 'impacting on service delivery' and no exposure of service users to risks?</p> <p><u>Response</u></p> <p>The relatively high levels of agency and “as and when” staff is because Your Choice Barnet (YCB) is going through a restructure process and offered a redundancy option for YCB staff as a fair alternative to going through these changes. Some staff have chosen to take this option. YCB has also kept posts open across all its services to give those staff at risk an opportunity to apply for these posts. Some people have chosen this option. It was therefore expected that there would be higher levels of relief staff during this period. The managers of YCB have, however, carried out a selection process to ensure the best quality of short term staff in place during this time. YCB aim to use agency / “as and when” staff that they know very well or those that have undergone this selection process.</p> <p>There is no evidence of an increase in deaths / incidents as a result of the actions to restructure the staff teams.</p>
19	Barbara Jacobson	<p>5.2.4 Since the Operational Plan referred to here is not attached to the Report, and there is only a list of platitudinous, placatory outcomes, please explain precisely how the LATC/YCB will:</p> <ul style="list-style-type: none"> • Implement the new staffing structure, embed new teams and new roles, without impacting on service delivery • Support and increase customer choice and/or maintain people’s independence • Achieve high quality standards and improve outcomes for customers • Make income go further by maximising revenue and delivering efficiencies • Raise the profile of Your Choice Barnet and achieve growth and new business for future financial viability <p><u>Response</u></p> <ul style="list-style-type: none"> • Each service has its own plan to undertake this in more detail. In summary this is about change management – engaging staff at every step of the new structures, ensuring that staff are listened to through supervision / team meetings and listening to service users and relatives. • This is something that Your Choice Barnet (YCB) continues to strive for through giving individuals choice in the way their support / care is provided. • Monthly contract monitoring between YCB and the Council’s Adults and Communities Delivery Unit is based on a performance framework that covers quality, improved outcomes and promotes business development through market diversification as well as encouraging continuous improvement. <p>YCB now has new promotional material and made improvements to its website. In addition business has been promoted through open days, attending</p>

		conferences and tendering for new business. YCB has started to extend the Valley Way respite service to day outreach as well as overnight accommodation.
20	Janet Leifer	<p><u>Para 6.4 Conclusions Recommendation Four</u> How will Your Choice Barnet ensure that service users and their carers are properly represented on the Your Choice Barnet Board, in addition to ensuring additional representation of the Council?</p> <p><u>Response</u></p> <p>In the first year of Your Choice Barnet (YCB) attempts were made to recruit service users / relatives to the Board. Following a recruitment process, 2 carers applied but no service users did. The existing Board members voted one person to the Carer Director role. The role of Carer Director is not to represent the views of YCB service users / relatives but to bring to the Board the experience of a relative of a person of the client group that YCB support. This is an invaluable insight into service delivery and provides valuable guidance on the decision making process within YCB decisions.</p>
21	Barbara Jacobson	<p>1.2 'Consider evidence from parents and service users about their experience of the services' This is addressed in Section 5. At 5.5.1 the report states that the Group 'elected to review the existing readily-available information and consider resulting feedback following conclusion of the Valley Way consultation rather than conduct a separate and distinct consultation process as part of the review process.' How many reports from service users and/or their carers regarding the day centres were included in the material that they considered?</p> <p><u>Response</u></p> <p>Given the time constraints, the Group elected to use information that was already available rather than commission a standalone consultation process due to the impact this would have on the review timelines. The Group did not consider any reports from service users and/or carers and instead undertook site visits to engage with service users and staff.</p>
22	Janet Leifer	<p>What is the precise relationship between Your Choice Barnet and the London Borough of Barnet?</p> <p><u>Response</u></p> <p>Your Choice Barnet (YCB) has been set up as a Local Authority Trading Company (LATC) as part of The Barnet Group which includes Barnet Homes, the Council's arms-length management organisation (ALMO) for delivering Housing Management. Local authorities can establish LATCs through the powers in section 95 of the Local Government Act 2003, and the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009.</p>
23	Barbara Jacobson	<p>5.5.4 'The relatively low response rate (16 out of 40 families) was attributed to parents' and carers' overall satisfaction with the high quality of care provided by Valley Way or a general lack of enthusiasm for consultation.' The assumption of 'high quality' shows this to be a biased statement. Since there was no response to analyse, what evidence is there to support the assumptions given, and what is the statistical breakdown, i.e. what proportion of the 24 non-respondents didn't respond for each of the reasons given/ What are the reasons for 'a general lack of enthusiasm for consultation'?</p> <p><u>Response</u></p> <p>Your Choice Barnet (YCB) followed up by contacting each of the 24 people who didn't respond, by phone. The majority spoken to raised no concerns about the changes being proposed. In a minority of cases there was no reply. Messages were left and followed up with further calls. It is not possible to give reasons why people did not reply, however they were given every opportunity to via letters and telephone calls. The assumption therefore is that they were happy with the proposals.</p>

24	Janet Leifer	<p><u>Para 6.2 Conclusions</u> How many new referrals (totalling 14% of income at the start of 213/4) came from outside the London Borough of Barnet?</p> <p><u>Response</u></p> <p>For 2013/14: 1st quarter: 5 referrals from Barnet /6 from outside 2nd Quarter: 2 from Barnet and 6 from outside of the borough.</p>
25	Barbara Jacobson	<p>5.5.11 'The Group took the opportunity to visit three services run by Your Choice Barnet on 17 September 2013. Meeting with staff and Service Users at Flower Lane Autism Service, CommunitySpace and Rosa Morrison, the Group were pleased to witness the quality of care being provided by the experienced and dedicated staff present.'</p> <p>How long did the Group spend at each centre and how many of the service users or their carers did they talk to? Was their visit announced in advance so that family carers could be present for consultation, and if not, why not?</p> <p><u>Response</u></p> <p>The actual length of time spent at each site was not recorded. However, up to 45 minutes was allocated per site was given. Members were free to speak with staff and users as they wished. The visits were planned in advance and Members asked that staff and users were made aware.</p>
26	Janet Leifer	<p><u>Para 4.7 Key Findings of Review</u> Are service users obliged to pay for services they use with direct payments?</p> <p><u>Response</u></p> <p>Yes. Your Choice Barnet (YCB) cannot provide services at nil cost as staff and other running costs have to be paid.</p>
27	Barbara Jacobson	<p>3.2 and 3.4 It is clear that there is no obligation for personal budgets to be taken as direct payments, and therefore no necessity for services for many people to be provided by an LATC. What is the current percentage of service users who have declined direct payments?</p> <p><u>Response</u></p> <p>Data on the number or percentage of service users who have declined direct payments is not available. Service users have the choice as to whether to have a direct payment or not. All service users are offered direct payments within Barnet Council's care management process.</p>
28	Janet Leifer	<p>How many Your Choice Barnet service users use direct payments to pay for services?</p> <p><u>Response</u></p> <p>Seven.</p>
29	Barbara Jacobson	<p>1.2 Consider evidence from staff and relevant groups on the impact of any restructure is likely to have on services. Paras 5.5.7 and 5.5.8 report on wholly justified staff concerns about their jobs while emphasising its own concern about finances, but what 'evidence from staff and relevant groups on the impact any restructure is likely to have on services' did the group consider and where is it stated in this report?</p> <p><u>Response</u></p> <p>The Group considered the approach taken by Your Choice Barnet to the Valley Way consultation. They also reviewed the submissions by UNISON and CADDSS in relation to Your Choice Barnet services. Members were satisfied</p>

		that YCB were taking a consultative approach to staffing issues which would not lead to a detrimental impact on service quality. Members acknowledged that job insecurities would impact on morale and performance and sought to address this in recommendation made in section 6.1.
30	Janet Leifer	<p><u>Para 5.5.8 Consultation feedback on services and proposed changes to staffing arrangements</u> Will there be a benchmarking exercise for staff pay?</p> <p><u>Response</u></p> <p>Benchmarking has already taken place.</p>
31	Barbara Jacobson	<p>5.5.9 The Interim Head of Care and Support for Your Choice Barnet explained that there had been a need in the beginning to use good quality agency staff ...” Given that YCB was a transfer of an existing service, what was the explanation given?</p> <p><u>Response</u></p> <p>The Group were aware that agency staff had been used prior to service transfer as well. The Your Choice Barnet Interim Head of Care and Support agreed with TFG Members that there should not be an over-reliance on agency staff once staff structure had been embedded. The Group were satisfied that steps were being taken to address this.</p>
32	Janet Leifer	<p><u>Para 4.1 Key Findings of Review</u> Which independent inspectors inspected the four day care services?</p> <p><u>Response</u></p> <p>The only independent inspections relate to those of the Care Quality Commission (CQC). These are publicly available documents. The CQC remit relates only to Valley Way Respite Service and Barnet Supported Living Service.</p>
33	Barbara Jacobson	<p>5.5.9 ‘...though there were plans to move towards permanent staff in the longer term.’ What are those plans and what is the schedule?</p> <p><u>Response</u></p> <p>Your Choice Barnet (YCB) has commenced the restructure of Supported Living. Interviews for Support Workers and Assistant support workers will take place before Christmas and the new structure will be in place from January 2014 onwards.</p>
34	Janet Leifer	<p><u>Para 5.4.13</u> states the implication of VAT for Hertfordshire County Council. The contrasting implication of VAT for Barnet is referred under 5.4.14. Why is the implication for VAT to Hertfordshire CC different to Barnet?</p> <p><u>Response</u></p> <p>The VAT status issue is not different. However, Hertfordshire determined that the VAT burden on the LATC coupled with the difficulty in reducing the council's corporate overhead apportioned to the in-house services which would become the LATC were a combined £2m and therefore the business case was not viable. However, Hertfordshire have adopted the LATC model for catering services and for Standards and Schools Effectiveness where these overhead and VAT issues were not so insurmountable.</p>
35	Barbara Jacobson	<p>6.4 On 28 June 2011 Cllr Rajput wrote in answer to a question ‘The LATC will be 100 % Council owned, but we do expect service users and carers to be involved in the governance of the new company through being board members of the company.’ How many service users and carers are on the board? To what extent did the T&F Group consider that it would be useful for the dialogue about the delivery of services to include representatives of the service users and their family carers, who have more experience of users’ needs than councillors</p>

		<p>or board members, and why does this not form part of the recommendation?</p> <p><u>Response</u></p> <p>The Group reviewed the Your Choice Barnet Business Plan (Nov 2011). Section 3.10.5 of the Business Plan details the Board structure which includes service users. On that basis, service user representation on the Board did not form part of the recommendations made by the Group.</p>
36	Barbara Jacobson	<p>3.4 'This was a model that was designed to be able to develop future services...' What 'future services' have been developed, and what has been the impact on the 'risk of losing ... direct payments income' or the potential for increasing income?</p> <p><u>Response</u></p> <p>YCB remains committed to winning new business and managing the risk of decreasing income; this is being actively pursued as stated in the YCB business plan.</p>

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