

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

Wednesday, 11 January 2023

Present:

Councillor Y Nolan (Chair)

Councillors I Camphor
A Davies
C Davies
T Elzeiny
P Gilchrist

M Jordan
S Mountney
C O'Hagan
A Onwuemene

66 **WELCOME AND INTRODUCTIONS**

The Chair welcomed attendees and viewers to the meeting and reminded everyone that the meeting was webcast and retained on the Council's website for two years.

67 **APOLOGIES**

No apologies for absence were received.

68 **MEMBER DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

The following declarations were made:

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| Councillor Mary Jordan | Personal interest by virtue of her employment in the NHS, and her involvement as a trustee for 'Incubabies'. |
| Councillor Angela Davies | Pecuniary interest in item 5 by virtue of her employment with Cheshire and Wirral Partnership. |
| Councillor Tracy Elzeiny | Personal interest by virtue of her employment in the NHS. |
| Councillor Yvonne Nolan | Personal interest by virtue of her role as a governor of Clatterbridge Cancer Centre and Cheshire and Wirral Partnership. |

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| Councillor Clare O'Hagan | Personal interest by virtue of her employment in the NHS. |
| Jo Bird | Personal interest by virtue of a family member's employment in Social Care. |
| Cherry Povall | Personal interest by virtue of her role as a trustee for 'Incubabies'. |

69 **MINUTES**

Resolved – That the minutes of the meeting held on 29 November 202 be approved and adopted as a correct record.

70 **PUBLIC AND MEMBER QUESTIONS**

The Chair reported that there had been no public questions, statements or petitions submitted.

71 **UPDATED POSITION REGARDING SOCIAL CARE DELIVERY REVIEW**

The director of Care and Health presented a report which provided an updated position regarding Social Care delivery review.

On 24 October 2022 the Adult Social Care and Public Health Committee received a report, regarding how Social Work functions were currently (since 2017) delivered through two key contractual arrangements. These were held with Wirral Community Health and Care NHS Foundation Trust (WCHCFT) and Cheshire and Wirral Partnership NHS Foundation Trust (CWP). These arrangements contract out the Council's statutory duties to assess the needs of people who may need social care and support services and functions including assessment, support planning, safeguarding, mental health assessment and professional case management.

On 24 October 2022, the Committee resolved, amongst other matters, to:

1. (a) extend the contract with WCHCFT for the provision of social care services on substantially the same terms and conditions for a period of 1 year, ending 30 September 2024 [with the option to extend];

1.(b) extend the contract with CWP for the delivery of All Age Disability and Mental Health Services on substantially the same terms and conditions for a period of 1 year, ending 30 September 2024 [with the option to extend]; and

3. [approve] that a further report be brought to this Committee setting out the considerations involved in moving towards returning the provision of social

care services and all age disability and mental health services to the Council's direct delivery.

The intention behind the proposed extension agreement was that it would enable both NHS Trusts to continue to provide Social Work services on behalf of the Council, within the current contract to 30 September 2024. This would enable more detailed work and consideration of the issues involved in moving towards return of provision to the Council whilst maintaining the best aspects of integrated provision.

This report presented Members an update of the current position with regard to contractual arrangements following receipt of correspondence from the contracted NHS organisation WCHCFT regarding the decision of the Committee.

The Director for Care and Health advised Members that WCHCFT had advised that they had concerns regarding the Committee's decision, advising that they would require a longer contract or it would be transferred back to the Council by 1 April 2023.

Approximately 230 staff would be effected by this and will be offered 121 talks to address any concerns. Transfer of Undertaking (protection of Employment) (TUPE) which would ensure that all posts and vacancies are transferred back to the Council with existing Terms and Conditions. It was noted that the date of 1 April 2023 would be difficult to achieve. Members were informed that there were no issues with the performance of the teams, nor the quality of the care provided. The adults social care outcomes framework was being delivered to a high standard.

Members queried if the date of 1st April 2023 was legally binding and were advised that either party could terminate the contract with 12 months' notice. It was noted that no reason had been provided as to why this contract was being returned. Further concerns were raised regarding the costs and TUPE. It was reiterated that the quality of care and safety of patients should remain the core priority and staff needed to be kept informed.

On a motion by Councillor Nolan, seconded by Councillor Davies it was –

Resolved (7:2) (2 abstentions) –

That in response to the Trust position regarding transfer of social care, the Committee would expect that we secure a safe, effective, and timely transfer that puts staff at the centre of the process. The proposed date of 1st April is likely to be challenging. Committee would therefore propose a formal project plan is negotiated and agreed between the Local Authority and the Trust setting out the timeline required to both meet these objectives and mitigate against risk to both organisations

and ensure seamless care for people who use the services and request the Director of Care and Health to provide an update report to the March 2023 Adult Social Care and Public Health Committee