

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**Monday 6 March 2023**

REPORT TITLE:	ADULT SOCIAL CARE SERVICES TRANSFER PROGRESS
REPORT OF:	DIRECTOR OF CARE AND HEALTH

REPORT SUMMARY

The Adult Social Care and Public Health Committee received a report on 11 January 2023 regarding social care services currently delivered by Wirral Community Health and Care NHS Foundation Trust (WCHCFT). This report presented Members with an update regarding arrangements required after the Council had made an offer of a short-term extension to the arrangements and included subsequent correspondence from WCHCFT.

Following full consideration at the Committee meeting on 11 January 2023, Members resolved:

“That in response to the Trust (WCHCFT) 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 1 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.”

This report presents an update with the plans for the service transfer.

The report supports the following priorities from the Council's Wirral Plan:

- Working for safe and vibrant communities where our residents feel safe and are proud to live and raise their families.
- Working to provide happy, active and healthy lives for all, with the right care, at the right time to enable residents to live longer and healthier lives.

This is a key decision that affects all wards.

RECOMMENDATIONS

The Adult Social Care and Public Health Committee is recommended to:

1. Note the planned arrangements for the service transfer and to endorse the project plans as detailed within the report and its appendices.
2. Give delegated authority to the Director of Care and Health to make the necessary arrangements for the transfer.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 One of the Council's two contractors for social care has rejected the Council's offer of a further one-year contract extension from September 2023 until September 2024. WCHCFT has advised that this is specifically due to perceived risk to the Trust. WCHCFT has subsequently notified the Council of its purported termination of the current contract and intention to return the provision of social care services to the Council by 1 April 2023. Written notice was provided by WCHCFT on 6 December 2022, with a request that the Council considers an option to extend a five-year contract to WCHCFT as an alternative.
- 1.2 Following the decision of the Committee 11 January 2023, the recommendations will support a smooth transfer of the service to be delivered by the Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not project planning could lead to an inefficient and ill ordered transfer of staff.

3.0 BACKGROUND INFORMATION

- 3.1 On 30 May 2017, the Council entered into a contractual arrangement with WCHCFT for the provision of social care services, and on 17 August 2018 a contract with Cheshire and Wirral Partnership (CWP) NHS Foundation Trust for the delivery of All Age Disability and Mental Health Services. Both contracts included the delegated responsibilities for statutory assessment and provision as defined by the provisions of the Care Act 2014. The employment of all Social Workers, Occupational Therapists, Managers, and frontline staff working in the areas transferred under Transfer of Undertakings (Protection of Employment) (TUPE). 332 staff transferred in total.
- 3.2 Following Committee meetings in March and October 2022, the meeting of 11 January 2023 resolved that in response to the WCHCFT's 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".
- 3.3 A project team has been deployed with representatives from across various Council Directorates, and the required workstreams have been identified to achieve a smooth service transfer. Workstream leads are identified who are working collaboratively with colleagues in WCHCFT to plan the service transfer and to maintain service continuity throughout the process.

3.4 Workstream leads consist of:

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| a. Senior Responsible Owner (SRO) Assistant Director - Adult Care and Health | |
| b. Project Support | Organisational Design Partner
Programme Manager, Strategic Change |
| c. Workforce | Assistant Director HR/OD
HR Business Partner |
| d. ICT, Digital & Data | ICT and Digital Solutions Manager |
| e. Legal, Pension & Contract | Senior Lawyer – Property & Contracts
Senior Lawyer – Employment |
| f. Service Delivery & Staff Liaison | Head of Integrated Services – Adult Care and Health |
| g. Finance & Audit | Senior Finance Business Partner |
| h. Communication & Engagement | Head of Communications |
| i. Assets | Senior Manager – Asset Management |

3.5 The Assistant Director for Care and Health and Commissioning for People was identified as Senior Responsible Owner (SRO) for the project. A similar project team has been developed by WCHCFT, with counterpart Workstream leads and with the Chief Strategy Officer identified as SRO for WCHCFT.

3.6 Programme Management Office support has been arranged, with a dedicated Programme manager. Arrangements are in place for joint Project Boards to meet on a fortnightly basis, with the internal project team and workstream leads meeting regularly during the intervening period.

3.7 The principles of the transfer are that there will be service continuity throughout the process, with no noticeable change to people who access the services, that services will retain the best elements of an integrated service model, that no staff will be placed at risk and that all staff identified as impacted by the transfer will be supported through a comprehensive consultation process under TUPE regulations.

3.8 A single enquiry email address has been developed where staff can ask questions and comment on the transfer arrangements. A list of Frequently Asked Questions has been developed and is maintained, responding to common themes raised by staff in scope for transfer. Regular staff briefings are provided, including regular face to face staff briefings led jointly by senior leads of the work programme.

3.9 Currently in scope are approximately 215-220 staff.

- 3.10 WCHCFT have indicated a preference for the transfer to be achieved by 1 April 2023, or as soon as it can reasonably be achieved thereafter. The Council had stated that it believed that this date would be unachievable but had committed to enact the transfer as soon as it could be achieved safely and effectively, whilst supporting the staff throughout.
- 3.11 The proposed transfer date is 1 July 2023 which is believed to be the earliest date that arrangements can be implemented for an efficient and safe transfer.
- 3.12 The joint project plan is appended (Appendix 1).
- 3.13 With the programme of work moving at pace, a contemporaneous verbal update on the appended plan will be given at the Committee in March 2023.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The current financial year agreed contract value of £10.2M annually is mainly staff costs and is paid by instalments. This will cease at the point of transfer and the necessary arrangements will be made to include the service costs within the Adult Care and Health budget structure.
- 4.2 It has been identified that there are likely to be costs associated with the transfer arrangements in the following areas, and these will be determined as the workstreams progress throughout the planning period:
- IT
 - Estates
 - Pensions

5.0 LEGAL IMPLICATIONS

- 5.1 The duties contracted out currently include the Council's statutory duties under the Care Act 2014 to assess the needs of people who may need social care and support services. The duties include a range of functions including assessment, support planning, safeguarding, mental health assessment and professional case management. These functions currently delegated to WCHCFT will return directly to the Council under the responsibility of the Director of Care and Health.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Council has brought together a project team to undertake transfer work with due diligence, to minimise risk and to effectively support staff through the transfer.

7.0 RELEVANT RISKS

- 7.1 The project team have developed a risk log as part of the programme management approach. Risks are rated and are reviewed regularly at project team meetings. WCHT have identified a potential risk relating to the retention of staff during a transfer period and the potential to have reduced capacity to respond to assessment and support planning requirements.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Engagement exercises for staff are being undertaken between the Council and WCHCFT. Staff will have a key role in defining which aspects of integrated service delivery need to be retained. WCHCFT will lead the TUPE Consultation with their employees, supported by the Council.
- 8.2 Trade Unions are aware of the current position and the progress to date and a period of formal consultation will follow in accordance with statutory requirements

9.0 EQUALITY IMPLICATIONS

- 9.1 An Equality Impact Assessment (EIA) is not required as WCHCFT will lead a formal TUPE Consultation process with their employees and the Council will consider any specific requirements for the transferring staff as identified during the Consultation process, and where appropriate.
- 9.2 The PDF file may not be suitable to view for people with disabilities, users of Assistive Technology or mobile phone devices. Please contact the report author if you would like this document in an accessible format.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Both service providers co-locate staff in some of the services. This reduces staff travel and utility costs and has a positive impact on the climate and environment by reducing carbon emissions. Both Trusts have their own green action plans which will have a positive impact on the environment and climate.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The current service offer is delivered within Wirral, offering employment opportunities to local people. The services enable local people attain qualifications and job stability. This will continue to be the case following the service transfer.

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APPENDICES

Appendix 1 Joint project plan

BACKGROUND PAPERS

DHSC Care Act 2014.
NHS Wirral Community Health and Care Foundation Trust (WCHCFT) contract for the provision of social care services.

TERMS OF REFERENCE

This report is being considered by the Adult Social Care and Public Health Committee. In accordance with Section 2.2 e (ii) of its Terms of Reference, the issue relates to:

“undertaking the development and implementation of policy in relation to the Committee’s functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to” [amongst other matters] “functions under or in connection with partnership arrangements made between the Council and health bodies pursuant to Section 75 of the National Health Service Act 2006 (“the section 75 Agreements”)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	11 January 2023
Adult Social Care and Public Health Committee	24 October 2022
Adult Social Care and Public Health Committee	3 March 2022