



ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

MONDAY 25 JULY 2022

REPORT TITLE:	WIRRAL EVOLUTIONS
REPORT OF:	DIRECTOR OF CARE AND HEALTH

REPORT SUMMARY

This report is to update members on the progress being made with the transfer arrangements for Wirral Evolutions services into Wirral Borough Council (the Council) direct delivery. The Adult Social Care and Public Health Committee resolved at the 3 March 2022 meeting to transfer the services within six months of 1 of April 2022 and delegated to the Director of Care and Health to make the necessary arrangements to insource the services carried out by Wirral Evolutions Limited.

This affects all wards and is not a key decision.

This supports the work of the Wirral Plan 2026 in the categories:

- Safe and Pleasant Communities - Working for safe and pleasant communities where our residents feel safe and are proud to live and raise their families.
- Active and Healthy Lives - 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.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to note the report and the progress being made with transfer arrangements.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Members requested an update report to July Committee meeting to ensure that progress was being made to implement the decision made at Committee on 3 March 2022.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 This is an assurance report on the implementation of a decision previously made. A report to a later Committee was not considered to offer sufficient time for members comments to be considered in the transfer arrangements, and prior to the service transfer date.

3.0 BACKGROUND INFORMATION

- 3.1 Following previous Committee meetings, workshops and briefings, the Adult Social Care and Public Health Committee resolved at the 3 March 2022 Committee that:
- the Director of Care and Health to extend the contract to provide services to support adults with a learning disability currently held by Wirral Evolutions Limited for a limited period not exceeding six months from 1 April 2022 so as to enable the effective implementation of transition of services currently supplied by the company to the Council.
 - the transition of services which are currently delivered by Wirral Evolutions Limited to an in-house model of delivery by the Council be approved starting as soon as reasonably practicable with the intention that those services will be fully transferred back into the Council within six months of 1 April 2022.
 - the Director of Care and Health be authorised to terminate or allow to expire the contract to provide services to support adults with a learning disability currently held by Wirral Evolutions Limited as soon as practicable after the complete and effective transfer of services currently supplied by the company to the Council.
 - a Consultative Board be established with stakeholder and staff membership tasked with oversight of the provision of personalised day services and opportunities for adults with a wide range of learning and physical disabilities, enabling people who access the service and their representatives to have a greater input into the delivery of the service.
 - the Director of Care and Health be authorised to make all necessary arrangements to insource the services carried out by Wirral Evolutions Limited.
 - it be recommended to the Shareholder Board that the Director of Law and Governance be authorised to progress the necessary steps to transfer Wirral Evolutions Limited's undertaking to the Council, including the cancellation of the current contract with Wirral Evolutions Limited and to consider all appropriate options for the future deployment or disposal of Wirral Evolutions Limited.
 - the Director of Care and Health provide a further report to a future Adult Social Care and Public Health Committee to update on the service transition arrangements.

- 3.2 A Project Team was created, with a dedicated Project Manager to oversee the transfer planning and implementation. A Project Board was initiated including membership from Wirral Evolutions and Adult Care and Health Senior Leadership Teams, and representation from various Council directorates where there are implications for the service transfer. A project plan is in place with identified workstream leads, key deliverables and target dates. A summary of the project plan is included (Appendix 1).
- 3.3 The target transfer date is 27 September 2022.
- 3.4 The principle of transfer is that there will be no significant change to service delivery or to the experience of people who use the service up to, and directly following, the point of transfer.
- 3.5 It is agreed that the buildings utilised for service delivery will continue to be maintained by the Council, and utility accounts will be set up between the Council and the supplier companies ahead of the transfer date.
- 3.6 An audit of IT requirements has been undertaken, and arrangements are being made for the continued operation of the existing IT systems required for the service delivery, and for system set up for those applications that staff will utilise as a Council employee.
- 3.7 An audit of the small number of supplier contracts that Wirral Evolutions has been undertaken, and arrangements made for the continuation or cessation of those contracts, as required, for the effective and safe delivery of service post transfer.
- 3.8 A Consultative Board has been set up to include representation from people who use the services, their family carers, staff, volunteers and stakeholders. This Board will enable engagement and involvement from those who use the services and who are involved in service delivery. The Board will continue beyond the transfer date to ensure that staff and people who use the services will have a say in how services develop and to oversee their quality and performance.
- 3.9 The main area of work for the project team is to plan and coordinate the formal consultation process, with the staff transferring under TUPE regulations (Transfer of Undertakings (Protection of Employment) (Background Papers).
- 3.10 The staff consultation commenced on 20 June with three staff group meetings, led by Wirral Evolutions, and supported by the Assistant Director Adult Care and Health, the Council's Human Resources and Organisational Development (HROD) team, and Trade Unions.
- 3.11 Staff 1:1 meetings commenced week commencing 27 June. Staff have responded positively to the 1:1 meetings and comments have been made by staff that they have found the process reassuring, and that they are feeling positive about the change.

- 3.12 There is a Frequently Asked Questions and Answers document prepared which is being continually developed as the consultation progresses, to include response on general themes and questions that emerge (Appendix 2). Where individuals have raised a query in relation to their personal situation, they will receive an individual response.
- 3.13 Regular meetings between the Council, Wirral Evolutions Ltd, the HROD team and the Trade Unions are taking place.
- 3.14 Several staff on extended fixed term contracts have been made permanent employees ahead of the transfer and during the consultation process.
- 3.15 Several staff who have been acting up into different roles for a significant period of time have been established in their acting up roles ahead of transfer and during the consultation process.
- 3.16 Staff transferring will be automatically enrolled into the Local Government Pension Scheme and will have the option to opt out should they wish to.
- 3.17 Wirral Evolutions staff are currently paid via the Council's payroll. This will make the transfer of staff payment arrangements seamless, and staff will see no change to their pay date.
- 3.18 The service transfer is on target for being implemented on 27 September 2022 and no reason for this not being achieved has been identified to date.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The value of the current Wirral Evolutions Ltd service contract payment is £5.079M. This will cease to be paid by the Council to Wirral Evolutions from the point of service transfer, and the equivalent service delivery budget line created within the Adult Care and Health annual revenue budget, to account for the service delivery costs.
- 4.2 The Project Team will quantify any costs incurred due to transferring staff joining or re-joining the Local Government Pension Scheme, and any other staff costs associated with the TUPE transfer. This will be undertaken through the HR workstream of the project alongside the consultation period.

5.0 LEGAL IMPLICATIONS

- 5.1 TUPE applies to all staff who will transfer, below Board level. Staff terms and conditions are therefore protected on transfer.
- 5.2 The service is not a regulated care service and is, therefore, not required to be registered with the Care Quality Commission.
- 5.3 Wirral Evolutions Ltd have been provided with notice of the termination of the contract which will expire at the planned service transfer date.

- 5.4 Leases between Wirral Evolutions Ltd and the Council for the buildings from which they operate will cease at the point of transfer, and the service will continue to operate from those Council owned buildings.
- 5.5 A small number of supplier contracts have been identified which will be either terminated, novated to the Council, or varied, as appropriate, prior to the transfer date.
- 5.6 The Director of law and Governance will consider the future implications of the Wirral Evolutions Ltd company entity.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are 151 staff (121 Full Time Equivalent staff) who will transfer to the Council's direct employment.
- 6.2 The service will operate from the Council buildings and will utilise Council IT assets, software and platforms.
- 6.3 There are no additional resources identified to date associated with the service transfer.

7.0 RELEVANT RISKS

- 7.1 Due to the progress being made, there is a low risk that the service transfer will not take place within the suggested timeframe agreed.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 A formal consultation is underway with Wirral Evolutions staff affected by the change. Engagement with people who use services, their family carers, volunteers and stakeholders are planned as part of the project.

9.0 EQUALITY IMPLICATIONS

- 9.1 There is no change planned that will impact on service delivery, or on people with disabilities who use the services. Reasonable adjustments and access to work requirements are being discussed individually with staff where appropriate and as part of their consultation process.
- 9.2 There are no changes to service provision and there are, therefore, no equality implications presented for people who use the services that are due to transfer.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no environment or climate implications from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Wirral Evolutions is an employer of 151 staff, the majority of whom live in Wirral. Continued employment of the staff under Wirral Borough Council employment contracts will contribute to the local economy.

REPORT AUTHOR: Name Jason Oxley

Assistant Director Care and Health, and Commissioning for People
telephone: 0151 666 3624
email: jasonoxley@wirral.gov.uk

APPENDICES

Appendix 1 Project Plan Summary
Appendix 2 FAQ Consultation

BACKGROUND PAPERS

Link to TUPE regulations:

<https://www.gov.uk/transfers-takeovers#:~:text=TUPE%20protection&text=When%20TUPE%20applies%3A,continuity%20of%20employment%20is%20maintained>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	03/03/2022
Adult Social Care and Public Health Committee: Review of Day Services Contract for People with a Learning Disability Delivered by Wirral Evolutions Limited	23/09/2021
Adult Social Care and Public Health Committee: Wirral Evolutions Limited Ltd: Progress Update Against Approved Savings Proposal	07/06/2021
Adult Social Care and Public Health Committee: Wirral Evolutions Limited	18/01/2021
Health and Wellbeing Board	13/11/2019