



Task and Finish Group Review: Your Choice Barnet

UNISON response

Barnet UNISON

UNISON Office,
Building 4, North London Business Park,
Oakleigh Road South,
London, N11 1NP
Telephone: 020 8359 2088
Fax: 020 8368 5985
Email: contactus@barnetunison.org.uk
www.barnetunison.me.uk

25th November 2013

Executive summary

The Task and Finish Group recognises that the long-term viability of this LATC as a provider of adult social care is a largely financial question (rather than a service quality question) that will be answered through realising cost-saving measures, income sustainability and growth. However, the Task and Finish report does not provide convincing evidence on which to have any confidence that the LATC will be able to achieve a safe, sustainable and high quality service.

We welcome the notion of a staff register, however, the report does not go far enough to address the staffing issues.

Financial Risks

1. The Task and Finish Group report is completely lacking in financial detail to address the financial risks to which Your Choice Barnet (YCB) is exposed. The financial analysis is, in effect, a standstill analysis that does not consider financial issues beyond the current year. It does not attempt to identify how the £1m loan will be repaid and other forecasts. There is no reference or analysis of any evidence from internal or external auditors. Assertions are made about having a plan to bring YCB finances back on track but this is stated rather than analysed. This gives us no confidence that the mistakes of earlier false assertions are to be avoided in the future.
2. Since the overwhelming majority of costs to YCB is related to staffing, the report does not provide convincing analysis to ensure that the benchmarking exercise will actually deliver on the financial plan. The unions have repeatedly been told by YCB the staffing establishment is not known and that no system is in place to readily collate the numbers of hours used in posts for as and when and agency staff. This also represents a great financial risk to YCB as its wage bill is by far the biggest cost factor in its budget. It is a concern that YCB continues to have such poor control on the biggest element in its budget.
3. The context of YCB's financial situation has not been addressed, namely, that the budget reports signed off by Barnet Councillors are explicit about the need to reduce the cost of care packages to vulnerable adults. Inevitably this will affect the YCB's ability to generate sustainable income from its main "customer" base which is Barnet's own residents.

Safeguarding Risks

'As and When' and Agency Staff

4. The numbers of posts covered by 'As and When' and agency staff are equivalent to 42.8 FTEs. We believe this represents a huge safeguarding risk. Insecure employment means people are dependent on the goodwill of managers and senior members of staff to in order to continue being allocated shifts the following week and so therefore are reticent about speaking up when they see things that are wrong.

Permanent Part Time and As and When Staff

5. The consultation process involving the unions brought to light employment practices which are highly questionable, such as giving staff part time hours only with the offer that they can fill up the rest of their hours through 'As and When' work. This poor employment practice automatically places these staff on greatly inferior terms and conditions to anyone with a full time contract. The unintended consequences of this employment practice is that it cultivates

an insecure workforce and when combined with high numbers of agency workers. This means the workforce is unlikely to be critical about 'practices' within the workforce with their employer as they are dependent on goodwill to give them the hours they need to secure a living.

Employment Related Risks

Reduced Salaries

6. Some '*As and When*' staff are working over 36hrs per week and have been doing so for many months, if not a couple of years. '*As and When*' staff, to all intents and purposes, are part of the establishment and have had their salaries greatly reduced as they are no longer paid at Support Worker rates (they are now paid as Assistant Support Workers, so losing a quarter of their wages through this measure alone) and they have lost their enhancements for unsocial hours. We now have a situation where Your Choice staff are on inferior wages to agency staff for doing the same job. All of this is causing huge amounts of distress and resentment within the established workforce. It is our view that this will inevitably lead to poor morale and therefore affect significantly the quality of service being delivered.

Permanent Staffing

7. UNISON believe the Task and Finish Group should have gone further in its recommendation and identified a need for a workforce that consists overwhelmingly of permanent staff members and that casual workers are the exception – not making up around one third of the staffing group. This is particularly true as the Task and Finish Group Report points to the quality of the services by YCB and links this to the permanence and stability of the staff group.

Benchmarking Salaries

8. The report's silence on the issue of benchmarking salaries is negligent. The report acknowledges at paragraph 5.5.8 that comparatively high salaries are a factor in retaining dedicated staff and elsewhere notes that the stability of the workforce is key for issues of continuity. YCB is wholly owned by LBB and so therefore LBB must be able to exercise influence in this regard if it so wished.

Unnecessary Redundancies

9. Similarly acknowledging that agency staff have been employed, thus reducing redeployment opportunities for staff who are "at risk" of redundancy, with no comment from Task and Finish Group is to turn a blind eye to risky behaviour with the potential to bring YCB into the arena of an Employment Tribunal for unfair dismissal. Furthermore the unnecessary extension of the "At risk" situation for numbers of YCB staff means that staff have unnecessarily

undergone enormous stress whilst trying to maintain professional standards. It is to the credit of those staff that there have maintained high standards of service delivery.

Carer Views

10. In the report at paragraph 5.5.8 we are told that UNISON and CADDSS by calling for the involvement of carers in the consultation exercise had caused delays causing extra difficulties for YCB in making its cost savings. UNISON objects to these delays being laid at the door of UNISON or of CADDSS. At the first negotiation meeting 28th February UNISON recommended that YCB consulted with carers over its proposals. YCB rejected this outright. CADDSS began to raise this request throughout the consultation and it was only when it appeared that the consultation would close with no reference to carers that carers threatened legal action, so forcing the consultation. It is disappointing that the Task and Finish Group chose not to recommend Best Practice of consulting in a serious and consistent way with carers. This should have been the lesson learnt from this exercise. Instead the only lesson learnt appears to be to look at a way in which carers can be involved to raise money for YCB. This is not something UNISON opposes but it hardly deals with the question of seeing carers as serious stakeholders, consulting with them in key decisions to YCB.
11. Supported Living is by far disproportionately affected by the overuse of agency and '*As and When*' contracts and so it is particularly disappointing that having highlighted this aspect in our letter to the Task and Finish Group of 20/09/2013, no consultation exercise was carried out with carers of service users in that setting.

In-house Service Provision

12. At paragraph 4.7 of the report the myth is repeated that service users are unable to purchase in-house services directly. **Personal Budgets** can be used in this way and the fact is that the majority of service users receiving services from the Council do not receive all of their **Personal Budgets** as a Direct Payment. It is therefore entirely possible for these services to be run in-house.
13. We welcome the expansion of the numbers of councillors on the YCB board, however, we do not believe this goes far enough. We think all 63 Councillors should be on the board, which would effectively be the case if the service were brought back in-house.

Recommendations

Barnet UNISON recommends:

- Bring back the service in-house.
- Agree with the unions a time table to achieve a sustainable workforce by substantially increasing staff working with permanent employment contracts and reducing the numbers of casual staff.
- Develop a robust framework for consulting with carers and service users on changes to the services including staffing issues.
- Shelve the benchmarking exercise of salaries in order to improve staff morale and sustain high quality service.