

UNISON response to Your Choice Barnet Task and Finish Group follow up report

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UNISON Response to Your Choice Barnet Task and Finish Group follow up report

Summary

- 1) Your Choice Barnet (YCB) has failed to grow substantially.
- 2) Little progress has been made in establishing a stable permanent core staff base which would eliminate much of the need to use agency staff.
- 3) The issues YCB experiences with staffing issues since 2013 have not gone away and have resulted in an “inadequate” CQC inspection report. This was predicted by UNISON at the time. We note our reports have not been included in the appendices of the Committee agenda pack.
- 4) The funding arrangements for YCB result in the squeeze on staffing levels and therefore this CQC Inspection Report. Ultimately this is a Council service wholly owned by the Council, which has been rated as inadequate. The service should be brought back in-house so that a firmer control can be kept over the service and also so that the lines of responsibility are quite clear.

Background

2013 YCB set about a restructuring exercise and this led to a Task and Finish Group being set up later that year to look at the business of YCB. UNISON wrote reports for the end of the consultation (31.5.2013) and for the Task and Finish Group. Both of which were largely ignored by the Adults and Safeguarding Committee.

In talks with YCB UNISON has been consistent in requesting agency data and YCB has been consistent in finding it extremely difficult to give UNISON and GMB this data and has only recently been able to give some data by contacting the agencies themselves and asking them for information as to how many hours they have supplied YCB. In other words it is still the case YCB has no overview as to its usage of agency staff or “as and when” staff.

In March 2015 CQC published its inspection report on its website rating the Supported Living Service of YCB as “inadequate”.

We want to remind this committee of the sections of the reports we wrote in 2013 and compare this to sections of the CQC report 2015. We believe there is a bitter similarity in the concerns we had then and predictions we made and the issues picked up by the CQC report:

Section from UNISON report May 2013

3.1 Reputational Risk

The [Francis Inquiry](#) February 2013 and lessons learnt from the Winterbourne Hospital Inquiry [Transforming care: A national response to Winterbourne View Hospital Department of Health Review: Final Report](#) December 2012, Department of Health show the need for **qualified, professional, skilled staff** to work in areas of care. Otherwise the consequences are dangerous for service users but also for staff. There is a need to balance the priorities of quality of service against the financial issues:

“It is clear from the evidence at both inquiries that the Trust was operating in an environment in which its leadership was expected to focus on financial issues,

and there is little doubt that this is what it did. Sadly, it paid insufficient attention to the risks in relation to the quality of service delivery this entailed.”

“The complaints heard at both the first inquiry and this one testified not only to **inadequate** staffing levels, but **poor** leadership, recruitment and training. This led in turn to a declining professionalism and a tolerance of poor standards.” (Page 45, Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry February 2013 Executive summary).

UNISON has asked about consultation with parents/ carers of service users. We believe this consultation should have been subjected to a rigorous consultation exercise with this group as there is clear evidence the changes proposed will have an effect on the people they care about. Fundamental to continuing in a caring role is knowing others can be fully trusted to give a carer a break from worry and their responsibility.

3.2 Safeguarding Risks

3.3.1 Increased turnover

There is a high level of overlap in the job description between Support Worker and Assistant Support Worker and yet there is a large gap in pay between the two. It is the case a relatively large number of colleagues will leave the service all in one go with redundancy as they have had their request for voluntary redundancy accepted. This, in and of itself, will lead to a significant turnover of workers who have well-established relationships with service users and colleagues.

3.3.2 De-skilling

Furthermore experienced and skilled staff will be replaced with **less** experienced and **less** skilled staff in terms of the particular service users in YCB. Any new member of staff will need time to develop a relationship with individual service users and this relationship is highly critical with people needing support, particularly where the service user has difficulty with verbal expression. A new colleague will need support to feel confident in understanding the needs of the service user they are working with. In addition some of the former Support Workers may end up working as Assistant Support Workers suffering a cut in pay of around **30%** but broadly speaking carrying the same duties they were before and feeling completely demoralised by the new situation. This will also have a **negative** effect on the people they are working with. UNISON believes there is a risk all colleagues will feel overloaded with unrealistic demands placed on them with an increased potential for **mistakes** to happen with service users. There is a **high risk** of continued low morale, which again will have a knock-on effect for service users who will be living in a space where colleagues are unhappy.

3.3.3 Reduced Cover

The Waking night service is set to be **radically reduced** as there has been no evidence to support the need for this service. This is hotly contested by colleagues carrying out those shifts. They have raised a number of **concerns** from dealing with **continence** issues whilst at the same time managing a different service user requiring 1:1 support. These are conflicting priorities:

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- Do they bring the service user in to the room whilst the staff member is busy assisting someone else with their toileting needs (issues around safety and dignity)?
 - What do they do if someone needs to be escorted to hospital?

It has been suggested that a staff member from the neighbouring Supported Living Unit would then come in to support the colleague in Valley Way. Yet this leaves the service users **exposed to risk** in Quartz Court. Also breaks for Waking Night staff have not been adequately addressed as they are supposed to plan their break around when it is quiet, thus meaning they are always on call. This does not constitute a break. Issues around how a single night worker will carry out manual handling to change bed sheets, if soiled, have not been responded to. The Consultation Paper optimistically has this to say p.8, 4.3:

“For continence issues, those who require changing in the night do not require the use of hoists as they are already in bed.”

UNISON believes the **reduction** of waking night staff places staff and residents at risk to life and limb and dignity.

3.3.4 Poor retention and low morale

The deletion of enhanced payments and introduction of a 7 day week is a measure which will immediately affect Supported Living Staff and Valley Way Staff. During the consultation period we have come to understand that many of these staff also have “as and when” contracts. They have been employed on part-time contracts giving them only part-time access to pensions, sick leave and (guaranteed) annual leave.

The term “as and when” suggests only occasional use and yet the usage of colleagues to work these hours has been anything other than occasional and in our view constitutes **gross exploitation** of low paid care. It is clear from the consultation that Your Choice are aware staff are reliant on taking on extra hours to make up their pay to something they can live on. YCB has already cut the rates of pay for these workers since January 2011 by employing them only on the assistant support worker rate and by **withdrawing** their enhancements. Some colleagues have experienced a drop in pay of around **£200/ month**. In addition agency staff have been used to such an extent that for the months of January and February in Supported Living this is equivalent to 4-5 extra full-time posts. Again the **casualisation** of this work means workers are denied better terms and conditions and there is a risk of lack of continuity for service users. The option for the day services to now open to a 7 day week and extend their hours of service would leave staff having no incentive and little motivation to do this. UNISON believes all of this will lead to a drop in morale, risks an **unprecedented turnover** of staff, and opens the risk of staff working longer hours to make up their pay. All of this increases the risks of neglect and poorer quality of service for service users.

UNISON believes that high turnover rates, where pay or working conditions are poor, add cost through additional recruitment and training costs but will also add to the potential for **failure demand** as inexperienced staff are more likely to make mistakes. When mistakes are made, this potentially results in injury or other circumstances requiring a higher demand for care – this is **failure demand**.

Introducing a new salary structure in line with the findings of a **benchmarking exercise** has been put back to be implemented in the second half of this year following a concern raised by UNISON that this would make the restructure almost impossible to do within the existing policy. However, there can be no doubt a benchmarking exercise would be a further attack on YCB staff terms and conditions (see Appendix D initial benchmarking exercise). All in all UNISON anticipates workers losing between **20 and 30%** of their current income, and this on already low paid workers. This is following a **3 year pay freeze**. Again workers will be forced to extend their hours of work either within YCB or elsewhere to make ends meet. Morale will suffer and this will inevitably have a knock-on effect on the service users. The risk of accidents and mistakes will increase on a stressed out workforce.

Section from UNISON Response to Task and Finish Group 2013

Safeguarding Risks

As and When and Agency Staff

1. 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

2. The consultation process involving the unions threw up 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 gives them greatly inferior terms and conditions to anyone with a full time contract and does not make them feel any more secure than agency staff about being critical 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

3. 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 (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. This now puts them on inferior wages to agency staff. All of this is causing huge amounts of distress and resentment within the established workforce. This will inevitably lead to poor morale and therefore affect significantly the quality of service being delivered.

Permanent Staffing

4. We 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.

Extracts from the CQC inspection report February 2015

p.2 “People who used the service and their relatives had concerns about the low numbers of staff. People said that their needs were not met as they could not attend the activities they enjoyed”.

p.7 “Six staff we spoke with during the inspection did not have the knowledge to care for the people at the service. They did not understand people’s needs or risks and were uninterested in the people they were caring for. However, we met staff that were knowledgeable, enthusiastic and engaged with people, we noted these were all permanent staff.”

p.12 “The registered manager was aware of the high turnover of staff”

p.11 “Nine out ten relatives we spoke with had concerns about the level of staffing available at the service”

p.11 “Agency staff do not know my relative and they do not know the agency staff”

The CQC report highlights the funding issues which exist for YCB. It does not comment on the way in which it is funded but reports staff concerns for the way in which support is funded. Primarily the move from the block contract to payment for the hours a service is needed has led to massive constraints on what YCB can offer the residents in Supported Living. It has also put any training and development programme on hold and at risk as the commissioner is not paying for this when the service is offered to the resident. The commissioner is the Council. These are issues these services did not have when it was an in-house service. It is UNISON’s belief that to a large degree the issues highlighted by the CQC report are ones of the Council’s making and for which it seeks to absolve itself of any responsibility.

YCB has failed to grow business as outlined in the original Business Case and has not been able to present to the unions a case for being able to grow in that way. Growth predictions are now much more realistic and very modest as a result.

Conclusion

UNISON was right to highlight our concerns and it is quite a bitter moment to see how right we were. It is particularly bitter because we were ignored then. We hope this time we will not be ignored again. This did not have to happen. Few people go into the “Care Industry” with the intent to hurt the people they are caring for and support workers experience stress when they are unable to provide the level of care to which they aspire. They experience a high level of distress when things go wrong. The problems we identified are systemic and not the fault of individual workers who are described in the CQC report as appearing to be “under pressure”.

There are clearly ongoing recruitment issues in spite of YCB paying the London Living Wage to all new starters. We note the day services are not subject to CQC inspection regimes and so it is not clear whether those services would be subject to the same

critique portrayed in the CQC report. We believe the decision to outsource and the resulting funding regime from Barnet Council has played the largest role in the deterioration of standards for this service.

Recommendation

- 1) Bring YCB services back in-house and secure properly funded and safe services for service users.
- 2) Failing bringing the services back in-house; enter negotiations with YCB to discuss a more sensible funding regime which will secure improved staff morale, a more permanent, committed and better trained workforce.