

Appendix 7

UNISON RESPONSE TO ADULT SOCIAL CARE RESTRUCTURE

DECLARATION OF INTEREST: *The trade union official who completed this response is employed as a Reviewing Officer in the Learning Disabilities Team and is therefore affected by this restructure. As a result, the comments have been checked by a second trade union official.*

Redundancies

The number of potential redundancies contained in these proposals is low, and we also recognise the difficult financial situation the Council is currently in. However, we are formally restating our complete opposition to compulsory redundancies as a way of achieving reductions. It is our belief that the Council should be operating a joined-up approach to managing change. This should include creative use of “bumping” to facilitate voluntary redundancy applications and avoid compulsory redundancies. There should also be proactive consideration of options such as voluntary reductions in hours, flexible working, etc. Where staff support such options, the normal “business case” process for approval should not be applied, given that the aim is to avoid compulsory redundancies.

Consultation

The letter to staff states that there has been informal discussion with staff over the last year about these proposals. Staff have actually raised concerns with us about the level and quality of communication from management. They have felt that what management call “discussion” has actually taken the form of conversations and unminuted meetings that created anxiety amongst staff without actually containing any useful information. This led to rumours spreading about possible job losses, which was very worrying for staff. In the case of the Brokerage Team, this approach has led to more serious consequences, which are discussed below.

We have put these concerns to management, and the response was that it is important to let staff know what is going on at the earliest possible stage, before formal consultation begins. We recognise that there is a balance to be struck; it would be unfair and unreasonable for staff to only find out about a restructure when they receive a formal letter containing the proposals. Also, where there are potential job losses, there is a requirement to consult at the earliest possible stage. Therefore, early and informal consultation is something that we are in agreement with. However, such consultation needs to be open and transparent.

Brokerage Team

This team is being deleted in the new structure. The reason given is that grant funding has ceased. Please clarify which grant this is, and the basis on which it was being used to fund this team.

The staff affected by this have expressed deep unhappiness at the way they have been treated. They have said that they were told verbally that they would be moved to jobs in the Service Finding Team, and they actually started to undertake some training for this role. They were then told that they would not be considered for these posts. No explanation was given and nothing was ever provided to them in writing. Therefore, they believed that they would be made redundant, and they were also told at the end of 2010 that redundancy pay was going to be cut, which was untrue. Because they believed that they would be made compulsorily redundant, and that they would receive less redundancy pay if this happened, almost all of them applied for voluntary redundancy in December 2010. Despite the fact that this was technically “voluntary”, they felt that they had been “forced” into doing this.

This is perhaps the most serious example of the poor communication and lack of transparency referred to above. There should have been open and frank discussions with the members of this team about their situation and management's proposals at the earliest possible stage. They should have been given full details in writing of why management changed their minds about moving them into the posts in the Service Finding Team. There may have been genuine reasons for this, but the lack of detail makes it difficult to establish this.

The result of this is that a group of staff feel that they have been treated extremely badly and unfairly. Although most of the staff have now left the council, they wanted their views made clear.

Integrated Access Team

The letter to staff states that two members of this team are currently on secondments and that "if acceptable it is proposed that these two individuals are assimilated into these posts." The proposed implementation strategy states next to the two members of staff: "Delete this role – substantive postholder has requested redeployment." Please clarify what the proposal actually is for these posts.

Please clarify whether the posts that either of the staff are seconded to are at a higher grade than their substantive post.

We recognise that management are proposing this in order to avoid redundancies. However, they need to ensure that this will not create a redundancy elsewhere, either in the services that the staff are seconded to or by removing a possible redeployment opportunity for someone else who is at risk of redundancy.

On the proposed implementation strategy, it is stated that the job description of the Business Manager is "under review." Please provide further clarification about what will happen to this post.

On the structure chart, there appears to be an Integrated Access/NRPF/Winkfield Resource Centre manager. Please clarify how this post will be recruited to and provide the job description.

Reablement Service

The proposal for recruitment to the Reablement Assessor posts is a closed ringfence interview. Given that there are sufficient posts for the number of staff involved, and that this is a closed ringfence, these posts should be filled by assimilation rather than interview. It would serve no purpose to put staff through an unnecessary interview when it is guaranteed that they will be appointed. We accept that management may want to have an informal interview/discussion with staff to explain the purpose of the role and respond to any questions/concerns that staff may have, but it should be made clear that this is not a formal interview. If there are genuine reasons why any staff members feel that this role is not a suitable offer of employment for them as individuals, then management should give some consideration to this and not automatically decide that any right to redundancy pay will be forfeited.

Personal Budget Support and Review Service

The proposal for recruitment to the Direct Support Officer posts is a closed ringfence interview. Given that there are sufficient posts for the number of staff involved, and that this is a closed ringfence, these posts should be filled by assimilation rather than interview. We accept that management may want to have an informal interview/discussion with staff to explain the purpose of the role and respond to any

questions/concerns that staff may have, but it should be made clear that this is not a formal interview. If there are genuine reasons why any staff members feel that this role is not a suitable offer of employment for them as individuals, then management should give some consideration to this and not automatically decide that any right to redundancy pay will be forfeited.

How will the Practice Manager post be recruited to? Please provide a copy of the job description for this post.

The proposal is to include Learning Disabilities Reviewing Officers in this team. I understand that there are some concerns about this from a professional/practice point of view, which to some extent are outside the scope of this response. However, our experience is that LD (and mental health) assessment and care management services are usually separate from those for other service user groups. There are a variety of reasons for this, including the way that LD and MH services work with health, the complex needs (including significant health needs) of a large proportion of the client group and the fact that the issues with LD and MH service users are often significantly different to those of other groups. It appears that there has been very little discussion with LD staff and management about this proposal, and that it has not been fully thought through. Even at the last minute before the consultation document was issued, this proposal still seemed to be changing. We are concerned that moving LD staff in to the new team is being done to increase its financial viability, not to improve outcomes for service users. This is not to say that we object to having a generic service, as staff may have different views on this. However, it is a concern that this proposal does not seem to have been thought through and properly planned, and consideration should perhaps be given to the alternatives: 1) Having a specific team to carry out these functions within the LD team, or 2) Having an LD specialism in the new team.

The job description refers to working with mental health service users. Assessment and Care Management for MH is provided in partnership with the NHS, and council staff are seconded to the Mental Health Trust. Therefore, please clarify what role the new service will have in supporting MH service users, and what discussions there have been with managers in (and staff seconded to) the MHT.

If staff in this service are going to be working with service user groups that they have little or no experience of, then an appropriate level of training will need to be provided.

Care Managers

There appears to be two different grades for Care Managers in the current structure, scale 6 and old PO1. This has had an impact on the ringfencing, as those on the higher grade have been ringfenced for jobs at PO1, and those on the lower grade have been ringfenced for jobs at SO1. Please clarify the reason for the difference in grades, whether there are different job descriptions and whether staff do actually carry out different tasks based on their grade.

It should be noted that some staff members have expressed concern about being excluded from the PO1 ringfence. We understand that individual approaches have been made to management about this.

Winkfield Resource Centre

Please provide the Personalisation Development Officer job description. How will these posts be recruited to?

Job descriptions

The Personal Budget Support and Review Officer makes several references to supporting service users in their responsibilities as employers, including:

- Ensuring that they are aware of their responsibilities in terms of tax and national insurance
- Ensuring that they have access to payroll and other support.
- Advising service users on employment law and promoting good employment practice.

Management need to give some thought as to what support they are envisaging will be given, particularly in terms of its complexity, and whether this is appropriate to the level of this role. Relevant training should be provided. For example, providing general advice on good employment practice may be reasonable, but it may not be reasonable to expect staff to go as far as advising on employment law. Employment law is extremely complex and advising on it requires a significant level of knowledge and perhaps even a qualification. Consideration also needs to be given as to whether individuals or the council will be liable if wrong advice is given and a service user takes action as a result. Therefore, management may want to consider whether this requirement needs rewording. Some of the same concerns apply to the requirement to give advice on tax and national insurance.

To identify actual or potential risk situations and report these to the line manager, making recommendations for action as necessary. It will be reasonable for the postholder to identify risk and highlight this. However, it will not always be the case that the postholder will be able to make recommendations for action, and this should not be a general expectation. This will be appropriate in some situations, and it will sometimes be possible for the postholder and line manager to decide together what should happen through discussion, but the ultimate responsibility for deciding on a course of action when a risk has been identified lies with the manager. We strongly oppose any attempt to move ultimate responsibility for risk from managers to front line workers, whether they are qualified or unqualified. Managers receive greater remuneration for having this responsibility, and that is where it should stay.

To assist and participate in the Training Plan for local authority social workers / appointed assessors and where appropriate to service users, and to personal assistants employed through direct payments/individual budgets. Please clarify what this means the postholder will be expected to do.

To help develop and support forums to facilitate peer support for existing and potential users of direct payments/individual budgets and through these forums to promote and disseminate good practice regarding direct payments/individual budgets and independent living. Please clarify what this means the postholder will be expected to do.

To propose and present ideas for the development of the Direct Payment Service to the line manager. Please clarify to what extent the postholder will be required to do this, and what exactly they will be expected to do. This role is not a strategic/management role, so the expectations in terms of this need to be realistic. This is a rather full job description, and it is difficult to see how staff will have the time and space to be considering matters such as this. Staff should not suffer any detriment because they have supposedly failed to do this.

Single Status

We are aware that posts in the current structure have not been subject to single status evaluations. In some cases this may have an impact on inclusion or exclusion from ringfences. We are concerned that such inconsistencies may leave the authority open to challenge, both on Equal Pay and/or unfair selection for redundancy grounds. In particular, the Care Manager posts have not been evaluated despite the fact that are deemed to be "high risk" with regard to Equal Pay. All posts in the current structure (apart from qualified social worker posts) should be evaluated before the structure is implemented, and if necessary ringfences may need to be revised.

Please clarify whether staff are will be given a right of appeal on their new roles.

Chris Taylor
Assistant Branch Secretary/Adults and Culture Convenor
UNISON