

By: Oliver Mills, Managing Director, Kent Adult Social Services

To: Graham Gibbens, Cabinet Member for Adult Social Services

Subject: **OUTCOME OF FORMAL CONSULTATION ON VARIATION OF SERVICE USE OF BRANCHES OUT AND YEOMAN'S GROUND MAINTENANCE, DARTFORD**

Classification: Unrestricted

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Summary: A paper detailing the outcome of formal consultation undertaken at Branches Out and Yeoman's Grounds Maintenance, Dartford and proposals for the future.

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## 1. Background

1.1 This report outlines the views expressed following the formal consultation on the proposal to secure an experienced organisation to set up a social enterprise encompassing Branches Out Horticultural Project and Yeoman's Grounds Maintenance Project.

1.2 Both projects have been in existence since 1989 and grew out of KCC Day Services in Dartford. In 2006 the Branches Out service was reviewed and BTCV (British Trust for Conservation Volunteers) were commissioned to manage the project for a period of time. In 2007 Yeoman's grounds Maintenance moved to the North West Kent College site, in temporary accommodation and plan to move into the new development there in 2010. Each project offers 12 commissioned places for people with learning disabilities across Dartford, Gravesham and Swanley.

1.3 The Governments White Paper 'Valuing People' 2001 is being updated. The consultation paper 'Valuing People Now' 2007 says "*Stop thinking about 'day services modernisation' and instead work on people getting better lives in their communities by using person centred planning, with access to work as the main starting point*". Kent's 'Better days for People with Learning Disabilities in Kent' 2008 looks at how we support individuals to be part of local communities and have the same opportunities as others, in employment, education and training, leisure, etc.

1.4 In January 2007 external consultants **2amase** were commissioned to undertake a feasibility study of Branches Out and Yeoman's Grounds Maintenance. This identified that it would be beneficial to combine Branches Out and Yeoman's and support the services to become a social enterprise. The feasibility study estimated the social enterprise would be completely self-sustaining and may possibly generate a surplus within a five-year timeframe.

1.5 The development of an enterprise of this nature is likely to generate support and possibly funding from a wide range of sources. It is very timely and meets a large number of Local, Regional, National and European strategies and directives. It is expected that the proposals will be carried out within the existing revenue budget.

1.6 Both services are based in the heart of the Kent Thameside Regeneration area. There is a predicted skills shortage in all areas of landscaping and the gardening sector in these growth areas.

1.7 Yeoman's is based on the North West Kent College site, which offers great opportunity for close working towards both accredited training and work experience. Currently Yeoman's are in a temporary building, with the plan to move into a permanent space within the new build in September 2010. KCC will negotiate a lease agreement with NWK College for this space and then set up a sub lease agreement with the social enterprise.

1.8 Branches Out is based on a piece of land in Dartford that is owned by KCC. The plan would be for the social enterprise to lease the land from KCC at a peppercorn rate. British Trust for Conservation Volunteers (BTCV) are currently contracted to run Branches Out on a temporary basis.

1.9 The vision is to improve the quality of services by;

- Developing and running a service based on individual person centred plans. This will create greater choice and control for the individual.
- To improve outcomes for individuals. Focussing on the provision of meaningful education, training opportunities, work experience and support towards paid employment.
- To deliver outcomes for individuals, with a wide variety of needs, in an inclusive environment that is part of the local community.
- To improve the quality of the facilities at Branches Out and Yeoman's in line with, hopefully beyond, DDA standards.
- To create a flagship social enterprise in which service users become 'paid' employees.

## **2. Formal Consultation**

2.1 A briefing meeting was held with Members on 8<sup>th</sup> May 2008 at Yeoman's Grounds Maintenance, North West Kent College, Dartford. The initial meeting was followed by site visits to both sites. Further meetings were held on 8<sup>th</sup> May with service users, parent/carers and staff and the ten-week period of formal consultation was invoked.

2.2 There was wide consultation with all those who have involvement with the two services. This included service users, parent/carers, staff, Trade Unions, advocacy groups, local residents, District Partnership Groups and suppliers. The Local Members have been consulted and those who have expressed a view, such as Tom Maddison, George Koowaree and Ann Allen, are very supportive of the proposal.

2.3 In total there were twelve formal consultation meetings held over the ten-week period with a total of 76 people attending, as follows:

<b>Date/time of Meeting</b>	<b>Invited</b>	<b>Attended</b>
8 <sup>th</sup> May – 11am	KCC Members	2
8 <sup>th</sup> May – 1.30pm	Service Users	10
8 <sup>th</sup> May – 2.30pm	Staff + Trade Union	4
8 <sup>th</sup> May – 3.30pm	Parent/carers	5
16 <sup>th</sup> May – 10am – 3pm	Service Users (Advocacy)	18
19 <sup>th</sup> May – 4pm – 5pm	Parent/carers	1
19 <sup>th</sup> May – 6pm – 7pm	Public Meeting	1
23 <sup>rd</sup> May – 11am	District/Borough Councillors + all stakeholders	3
2 <sup>nd</sup> June – 6pm – 7pm	Parent/carers	7
10 <sup>th</sup> June – 3pm – 4pm	Staff + Trade Union	3
20 <sup>th</sup> June – 1pm – 3pm	Service users (Advocacy)	19
15 <sup>th</sup> July – 3pm – 4pm	Staff + Trade Union	3
	<b>Total</b>	<b>76</b>

2.4 A group of parent/carers of service users who attend Yeoman's also arranged meetings independent of KCC and their views and comments have been included in this report.

2.5 A Consultation Pack was sent to all stakeholders including a covering letter, Consultation Document and Consultation Questionnaire. In addition, all consultation paperwork and notes from meetings were placed on the KCC website. All documents sent out in this pack were created in partnership with North Kent Independent Advocacy Scheme, to ensure they were accessible to all.

### **3. Outcome of Consultation**

3.1 The completed questionnaires and the notes from all the consultation meetings have been gathered together as the stakeholders responses to the formal consultation. A total of 36 completed questionnaires were returned including eighteen from the service user meeting (see 3.2).

3.2 The meeting on 16<sup>th</sup> May with the service users was facilitated by North Kent Independent Advocacy Scheme. The group were supported to work through the questionnaire in an accessible manner. The service users split into five groups. Their views and comments were noted on flip chart paper and then typed up. On 20<sup>th</sup> June, a follow up meeting, again facilitated by independent advocacy, worked through the views/comments from the previous meeting. Any further comments or changes were made to the notes which were then circulated.

Generally the service users told us they:

- Enjoy 'working hard' at both Branches Out and Yeoman's, using the mowers and other equipment, working as a team, working in the summer, working with the Staff, going out on jobs and meeting new people.

- Don't enjoy, working in bad weather, staying in and getting bored, old equipment always breaking down, eating lunch late and not getting paid.
- Would like to, earn more money, work more hours, get a job, have new equipment, go on work experience, gain some qualifications and have more customers. However there was a worry that they may lose their benefits if they got a proper job.

3.3 Service users and parent/carers told us how much they value the current staff and that they want the current staff to continue supporting them.

3.4 There was a consensus that both Branches Out and Yeoman's Grounds Maintenance needed to develop and improve outcomes and opportunities for service users. There was overall support for the proposals but there were some concerns.

### **Concerns Raised**

#### 3.5 Quality of Care.

Assurances were sought that the service would continue to be monitored to ensure a high standard of support.

Mitigation - KCC will still commission places at both Branches Out and Yeoman's. KASS will support people to develop their support plan and continue to have a duty of care to individuals.

#### 3.6 Finding an appropriate organisation.

Requests were made to include service users and parent/carers in the selection process of the organisation. The parent/carers group wanted to be "sure that the new 'owners' of the service would be people who had adequate understanding of the users' individual needs". Mitigation - The proposal is that the Dartford District Partnership Group with the support of a social enterprise expert are central to the decision making process. This will be a transparent, accessible and inclusive process involving a panel of representatives from the current service user group, parent/carers, local member and advocacy scheme.

#### 3.7 Employment Opportunities.

There has been some concern expressed by both service users and parent/carers about people losing their benefits if they earn a real wage.

Mitigation - KCC will ensure appropriate involvement from the Area Benefit Teams and Kent Supported Employment to ensure there is no financial detriment to service users if they move to paid employment, earning a real wage. Awareness training on this issue will be offered for both service users and parent/carers. This should include some positive stories from people with learning disabilities and families who have first hand experience of this.

#### 3.8 Shape of future services.

There was some concern raised about Branches Out and Yeoman's being 'merged' to form the social enterprise. Some parent/carers expressed their concern that as both services are quite different at present, if they were merged, they didn't want Yeoman's to lose its identity.

Mitigation - The proposal is that both sites will work closely to complement each other under the umbrella of a single social enterprise, but maintain their uniqueness to provide a broader range of opportunity for learning and progress towards work. People with learning disabilities will have the opportunity to access either Branches Out or Yeoman's or a combination of the two.

3.9 The buildings on the Branches Out site do require some investment to improve and maximise its long term potential.

Mitigation - Government/European/charitable funding is more readily available to social enterprises to improve the site, buildings, equipment etc. This will be covered in the tender specification.

3.10 What if the social enterprise doesn't work?

Mitigation - KCC will still have a duty of care to those service users. If that were to happen, the service users would be looked at individually and supported to access the services or activities that meet their needs and aspirations.

3.11 Staff/Personnel Implications.

Meetings have been held with the two KCC staff and their union representatives and they have expressed concerns over the proposed changes and how it will affect them in the future. If implemented the proposal is expected to result in a TUPE transfer of the staff. Issues raised by staff have related to TUPE transfer, redeployment opportunities, pensions and contracted hours of employment.

The two staff members told us they:

- Were concerned about their pensions and terms & conditions.
- Don't feel it appropriate to work together with Branches Out.
- Are interested in putting in a Business Case to run the service themselves.

If the recommendations of this paper are approved communication and formal consultation with staff and their union representatives will need to continue, in line with statutory requirements, as more details of how they will be affected become known. This will take the form of regular staff meetings and one-one meetings with the support of the West Kent Personnel Business Support Team.

## **4. Conclusion**

4.1 The majority of the responses received and comments made at the meetings, agreed that both Branches Out and Yeoman's needed to develop, to improve outcomes and opportunities for service users both current and future. It was generally agreed that a social enterprise could be a positive way forward, taking into account the concerns raised.

4.2 The service users enjoy what they do at both Branches Out and Yeoman's. They said they wish to continue but want

- to be paid a real wage for the work they do
- to work longer hours than 'day centre' hours
- to learn more skills and have the opportunity to gain accredited training
- to have support to apply for jobs outside of the current services, when ready.

4.3 The parents group said they wanted to work together to enable the service users to:

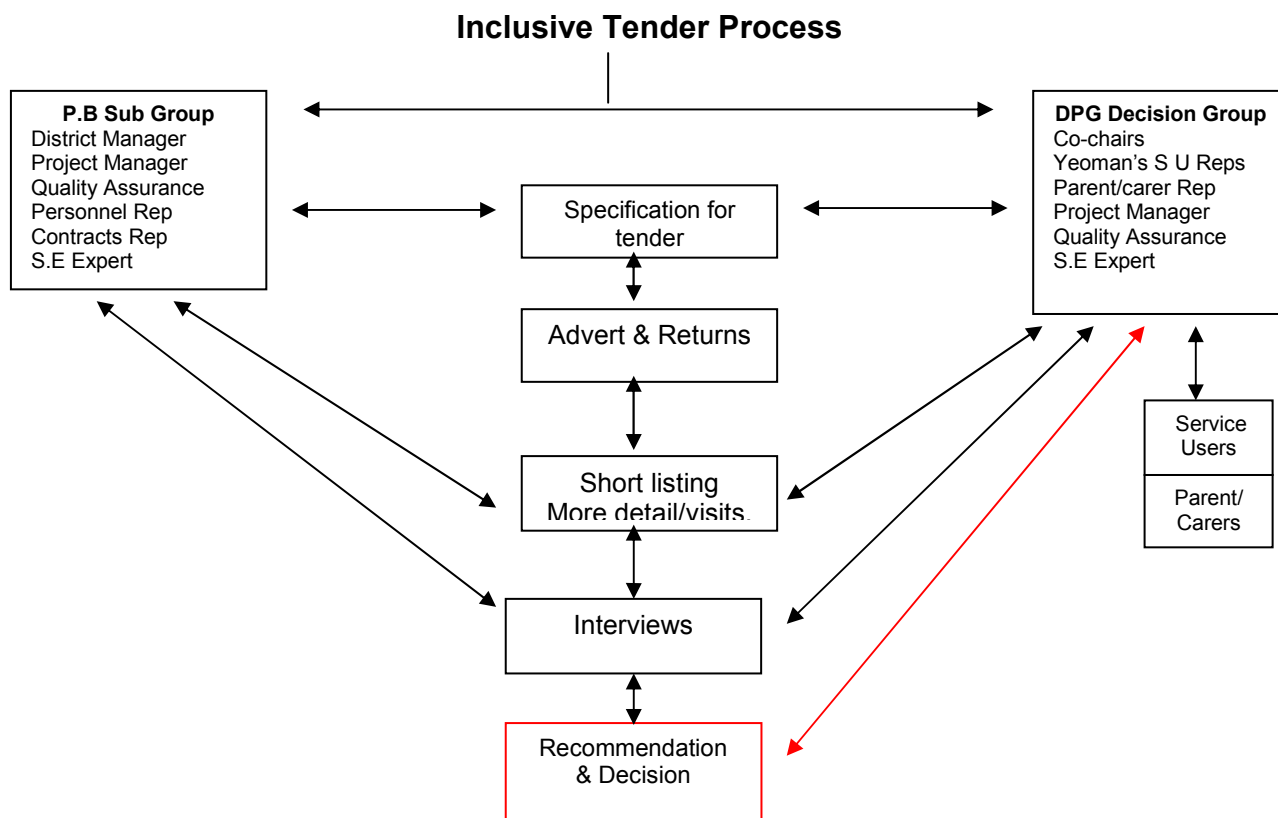
- carry on working in an environment where they feel secure

- are able to do what they do now
- in the future be able to do more
- learn some new skills.

4.4 A social enterprise is a business first and foremost, with primarily social objectives, whose surpluses are reinvested for that purpose. They have explicit social aims such as job creation, training and building skills in local communities.

4.5 If Branches Out and Yeoman’s become a social enterprise by becoming businesses, a wider range of opportunities will be created with current and future service users. Most of these improvements to the business and subsequent outcomes for those individuals would be impossible to achieve if they remain with Kent Adult Social Services.

4.6 If approved the plan will be to follow an Inclusive Tender Process with the Dartford District Partnership Group (DPG) taking the lead. The DPG will be supported by a sub group of the Branches out and Yeoman’s Project Board and a Social Enterprise expert from a highly respected independent organisation, The Tool Factory (formally 2amase). The Inclusive Tender Process will look like this:



4.7 The Dartford DPG Decision Group will comprise of the two co-chairs, one of which is a KCC Member and Local Member, two service users who currently access Yeoman’s, a parent/carer representative and advocacy support, alongside the social enterprise expert. The people with a learning disability on this panel will be paid. The Reps will in turn feed information and ideas between the bigger service users group and parent/carers group. This inclusion will ensure all stakeholders are fully onboard with the decisions

made and therefore dispel any possible unhappiness throughout the process and indeed with the decision.

4.8 Following the decision as to which will be the successful organisation, It is expected that there will be a Transition Period of approximately one month. During this time KASS will continue to support both services to move towards a social enterprise, KASS will then withdraw to allow the social enterprise to thrive.

## **5 Recommendation**

5.1 The Cabinet Member for Adult Social services is asked to approve a two-phased approach to secure an appropriate organisation, to develop both Branches Out and Yeoman's Grounds Maintenance in to a viable, self sustaining, social enterprise. The first phase will be to utilise the Inclusive Tender Process to identify an experienced organisation. The Project Board will then come back to the Cabinet Member for Adult Social Services to approve the choice of organisation.

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### *Further Reading/Background Documents:*

- 1 Consultation Document
- 2 Consultation Questionnaire
- 3 FAQ
- 4 Example of consultation notes - Service User Notes (16<sup>th</sup> May & 20<sup>th</sup> June)
- 5 Social Enterprise Information