



22 November 2023
AN/JW

Care Quality Commission
2 Redman Place
Stratford
London
E20 1JQ

By Post and Email - enquiries@cqc.org.uk

Dear Sir/Madam

In the course of representing GMB members employed by Swindon Borough Council, serious failings have come to our attention which we feel obliged to report to you in the interests of public safety.

Swindon Borough Council (SBCs) fails to provide a 24 hour, 365 day per year Approved Mental Health Practitioner (AMHP) service. Currently only two members of the Emergency Duty Service (EDS) team are AMHP qualified, and from the beginning of December 2023, this will go down to only one. When an AMHP is not on shift then no AMHP cover is provided.

GMB are contacting you following several incidents where AMHP services were not available when required. For example, we understand that there may have been recent incidents where Wiltshire Policy have sought to refer individuals in custody presenting with mental health difficulties overnight or at the weekends to the EDS, when no AMHP has been on duty. In such circumstances no response can be given until an AMHP comes on duty, leaving vulnerable individuals, and the police, without support for extended periods.

Out of hours AMHP provision is the responsibility of the Emergency Duty Service (EDS), which nominally employs eight staff – a Team Manager, an Assistant Team Manager, and six Advanced Social Workers. The team is currently severely under-strength. It is a combined team covering both Children's Services, and Adult Care, but is the responsibility of Children's Services, within SBCs management structure. Recently, Children's Services was graded as inadequate by OFSTED.

GMB's view is that the failure to provide an out of hours AMHP service is a breach of the council's duties under the Mental Health Act 1983 regulations, and leaves a significant lacuna in both public safety, and care for vulnerable individuals.

The Job description for all members of the EDS team requires them to either be AMHPs, or be training to be AMHPs. However, although there will shortly only be one AMHP in the team, the training budget has been frozen so that no other team members can become AMHPs.

GMB's assessment is that the current failure to provide 24/7 AMHP cover, and the failure to pay for AMHP training are a conscious and deliberate policy, on cost grounds. However, the context has arisen due to unintended consequences from other council policies, which were not only completely foreseeable, but which GMB and staff brought to SBC's attention sufficiently early for the problems to have been averted.

GMB, BRITAIN'S GENERAL UNION

Regional Secretary: **Justin Bowden** General Secretary: **Gary Smith**
Unit 5 Dorcan Business Village, Murdock Road, Dorcan, SWINDON, SN3 5HY
TEL: 01793 818005
Email: infoswindon@gmb.org.uk Website: gmb-southern.org.uk

UNIONLINE
YOUR TRADE UNION LAW FIRM
0300 333 0303
www.unionline.co.uk

Despite the challenges of recruitment and retention, and consequent difficulties of sustaining an AMHP workforce being widely acknowledged (for example in the **CQC Briefing on AMHPS** published in March 2018), SBC has recklessly disregarded concerns being raised by members of the EDS team, by managers of the EDS team, and from GMB. The result has been a rapid and catastrophic decline of the service, with three AMPHs (including the Team Manager) either leaving the service or handing in their notice to leave the service, over the last few weeks.

The dramatic collapse of morale in the service was initially precipitated by the proposed removal of a 20% uplift of contractual pay for out of hours working, which led to several days of strike action.

During that strike action, GMB proposed derogations (which is an arrangement whereby the union agrees with the employer that striking workers will provide a minimum service level for emergencies). However, the employer declined derogations and instead provided no out of hours service at all during some days of the strike. GMB received evidence that on 5th and 6th September, four emergency calls were not responded to, these were referrals from the police, and two different NHS trusts. A GMB member raised the failure to provide an out of hours service, and the emergency call being missed, with her service manager, but received no response. Having failed to gain a response through official channels, she turned to GMB as a whistleblower. Subsequently, SBC removed IT access from the EDS team, and they were physically locked out of their office, which further eroded morale.

Prior to September 2023, there were four AMHPs and three ASWs who were not AMHP qualified, and a vacancy in the team. AMHP cover was provided 24/7 on an ad hoc basis, because when no AMHP was on duty, the Team Manager undertook to have AMHP issues referred to him, even when he was not on shift. He has now left the team, and no alternative provision has been put in place.

GMB has consistently sought to raise the looming crisis of AMHP cover. For example, on 4th September, at a meeting with the head of HR, Busola Osibogun, and the Director of Finance, Mick Bowden, GMB pointed out the imminent risk that 24/7 AMHP cover would soon no longer be provided. These senior officers refused to discuss this with GMB, even though all members of the EDS team are GMB members, and the EDS Team Manager was in the meeting, agreeing with GMB.

GMB has also sought to raise the threats to the EDS team with elected cabinet members. For example, GMB met with the leader of the council, Jim Robbins on 15th May, with the deputy leader of the council, Emma Bushell on 3rd July, and GMB wrote an email to the Cabinet members responsible for both Children's Services, and Adult Social Care (Ray Ballman and Paul Dixon) on 30th June 2023, entitled "*GMB on the threat to SBC's Emergency Duty Service*". These elected members were informed by GMB while the service was still being provided, and in time for them to avert the service being degraded.

GMB has regrettably found that both the senior officers employed by the council, and the elected members in SBC's cabinet, seem indifferent and uninterested in the issue, and have not been prepared to engage with GMB, or the social workers providing the EDS service. In our view this is a failure of both leadership and accountability.

In summary, Swindon Borough Council are not providing a 24/7 AMHP service, they are not adopting a proactive approach to AMHP workforce planning, they are refusing to train EDS staff whose job descriptions require them to become AMHPs, they are refusing to pay for the annual training for existing AMHPs to maintain their warrants, and at both employed senior officer level, and elected senior leadership level, the council have refused to respond to concerns raised by the staff, and their union.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long horizontal stroke.

Andy Newman
GMB W15 Three Shires
Branch Secretary