

Edward Jenner Court
1010 Pioneer Avenue
Gloucester Business Park
Brockworth
Gloucester
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To: All Gloucestershire Care Services Staff

27 September 2011

Dear Colleague,

Joint Statement re Gloucestershire Care Services CIC

You may be aware that a local resident has instructed Solicitors to make a legal challenge to the proposed transfer of community services to Gloucestershire Care Services CIC (GCS). The Solicitors, Leigh Day, have written to NHS Gloucestershire alleging that the proposed transfer breaches procurement rules. You may also have seen that the local protest group "Stroud Against Cuts" has indicated that it supports the challenge. The allegations are not accepted and NHS Gloucestershire are in the process of responding fully to them.

However, as you know, the transfer was imminent and was due to occur with effect from 1 October. All the necessary steps had been taken in accordance with the Department of Health Guidance and the legal documentation required to effect the transfer was due to be completed and signed later this week to allow a seamless transfer to GCS.

Because the challenger has indicated he intends to apply for an Injunction to stop the transfer being affected by 1 October, the transfer may be delayed until the challenge is withdrawn, or the Court permits it to proceed. NHS Gloucestershire's lawyers have requested the withdrawal of the challenge as it appears to be both misconceived and possibly based upon a misunderstanding of the social enterprise scheme and the role to be taken by PCTs pursuant to the Operating Frameworks.

It is unfortunate that the challenge has been raised only a matter of days before the transfer was due to occur which was the culmination of a lot of hard work by all of you. We are working very hard to deal with the challenge and in the interim service arrangements will continue as they currently are and the proposed TUPE transfer may be delayed beyond 1 October 2011.

Advice is being obtained from specialist health and procurement lawyers in order to deal with the challenge as quickly as possible.

If taken to its logical conclusion the challenge would mean that community services would be competitively tendered with the result that bodies both within and outside the NHS sector could respond. The challenge may therefore accelerate the very thing the challenger says he is opposed to namely the services being provided by a body outside the NHS.

The transfer of Gloucestershire Care Services to a social enterprise company remains the preferred option for NHS Gloucestershire for all of the reasons explained in detail during the many meetings and briefings which have occurred. NHS Gloucestershire has the support from the Strategic Health Authority and the Department of Health in the action they are taking in response to this challenge and we hope to be able to confirm matters have been resolved in the near future.

In the interim, if you have any specific concerns or worries, please contact:

Gloucestershire Care Services	Staff Side contacts
Chief Executive Designate Penny Harris – 08456 598348 Penny.harris@glos.nhs.uk	Unite/Community Practitioners Health Visitors Association Liz Brumwell - 01242 251199
Commercial Finance Director Glyn Howells – 08456 598353 Glyn.howells@glos.nhs.uk	Unite Laura Collins - 08456 598240
Joint Director of Operations (Adult Services) Gill Vickers – 08456 598385 Gill.vickers@glos.nhs.uk	Unite/ Speech & Language Therapy Jane Cantwell - 08454 224120 Louise Wheatley - 01452 891412
Associate Director of Human Resources Tina Ricketts – 08456 598345 Tina.ricketts@glos.nhs.uk	Unison Patrick Senior - 01453 562274 Georgie Kemp (Health and Safety) - 08456 598223 Sue Brown (Dental) - 01452 380073 Tina Hemming - 08456 598226
	Society of Chiropodists and Podiatrists Chris Ansermoz - 08454 228131
	Royal College of Nurses Louise Alexander - 01594 598253 Pat Caldwell - 01242 250516 Helen Ballinger - 07717 346442 (Learning Representative)
	Chartered Society of Physiotherapy Sarah Chant - 01453 562050
	Royal College of Midwives Elizabeth Wynn - 01594 598000
	British Dental Association Suzanne Jeffery - 01452 380073 Diana Gould - 01453 758591
	Fellowship of Royal College of Surgeons Paul Wilson - 08454 222794

Yours sincerely

Penny Harris

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Liz Brumwell



Gloucestershire

Gloucestershire Care Services

Chief Executive Designate

**Unite/CPHVA Work Place
Staff Side Chair**

health

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