

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:
AHWB/069/2017 Reduction
in Payment for MHA's for
DoLS assessments

Box 1

DIRECTORATE: Adults Health &
Wellbeing

DATE: 19th June 2017

Contact Name: Tracy Mistry

Tel. No.: 01302 862764

Subject Matter: Reduction in Payment for MHA's for DoLS assessments

Box 2

DECISION TAKEN:

DMBC currently pay £180 for independent Mental Health Act Assessments (MHA's) which is a legal requirement under the Deprivation of Liberty Safeguards (DoLS). Other Local Authorities pay a lesser fee. Which ranges between £125- £150. The £150 figure being a neighbouring Authority.

We have only been allocating urgent cases and cases for the 2 BIA's within the team for the last couple of months so the numbers have been low. We are implementing a new process for payment so will need to email all assessors to make them aware of this and also to check if they want to continue working with us.

Whilst we are doing this it is an ideal opportunity to look at reducing the rate per assessment and check how many MHA's would still be willing to undertake work for us.

The proposal is to reduce the fee paid from £180 to £150 a saving off £30 per assessment.

Approximately 900 assessments were completed last year this figure varies year on year but if 900 assessments were to be completed per year with the reduction in fees it would produce a saving of £27,000.

Box 3

REASON FOR THE DECISION:

Give relevant background information

Doncaster pay a higher fee for MHA's than other Local Authorities and given the

review of process and reduction in recent allocations it is an opportunity to review the fees paid and establish if some savings could be achieved. The MCA/DoLS budget runs over budget and this would be an opportunity along with the use of more internal BIA's to reduce the level of over spend.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

Box 5

LEGAL IMPLICATIONS:

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

Section 2B of the National Health Service Act 2006 (as amended by Section 12 of the Health and Social Care Act 2012) introduced a new duty on Councils in England to take appropriate steps to improve the health of the people who live in their area.

The Deprivation of liberty safeguards were introduced by an amendment to the Mental Capacity Act 2005 to provide safeguards for people who lack capacity specifically to consent to treatment or care in either a hospital or a care home that, in their own best interests, can only be provided in circumstances that amount to a deprivation of liberty, and where detention under the Mental Health Act 1983 is not appropriate for the person at that time.

The local authority has a legal responsibility to select assessors to carry out the required assessments, one of which is the mental health assessment; the assessors selected must be suitable and eligible.

If all assessments conclude the relevant person meets the requirements for authorisation, the local authority must authorise the deprivation of liberty of the individual for an appropriate period.

Although there are no block contracts in operation but rather the Service is spot purchased with each assessor at a rate per assessment it is advised that the current contractual arrangements with each assessor are reviewed to ensure that both the

current arrangement is terminated and the new terms are clear. It is envisaged that care will need to be taken over the assessments already allocated but not carried out as these are likely to have been agreed to be undertaken at the current rate.

**Name: Paula Coleman Signature: _by email_ Date: _04/08/2017_
Signature of Assistant Director of Legal and Democratic Services (or representative)**

Box 6

FINANCIAL IMPLICATIONS:

As detailed in the report, when benchmarked with other authorities, DMBC pay between £30 and £55 more per MHA assessment, at £180.

The decision taken would reduce the MHA assessment fee to £150.

Based on 900 assessments carried out during 2016/17 (acknowledging that this figure fluctuates year on year), £27,000 could be saved per year. This would not be a budget saving as the MHA budget currently overspends (overspent by £124k in 2016/17, partially offset by small underspends elsewhere within the DoLS budget), but this would contribute to a cashable saving that will help to reduce the ongoing budget pressure.

**Name: Chris Cowan Signature: By email FM/AH&W Date: 19/06/17
Signature of Assistant Director of Finance & Performance
(or representative)**

Box 7

HUMAN RESOURCE IMPLICATIONS:

There are no Human Resources implications to this decision.

**Name: D L Dawson Signature: ██████████ Date: 30.06.17
Signature of Assistant Director of Human Resources and Communications (or representative)**

Box 8**PROCUREMENT IMPLICATIONS:**

After seeking further information from Tracy Mistry I have established that we currently contract out independent Mental Health Act Assessments (MHA's) to **38** providers. Further investigation has revealed that the total aggregated spend for **16/17** was **£270,220**. This is an ongoing requirement and based on a 4 year contract period this would equate to a contract value of approx. **£1.08 million**.

From investigation there are currently no contract(s) in place for this spend. Even though these contracts are with individual providers the overarching contract should be tendered to the market as per the DMBC Contract Procedure Rules (CPR's), the Public Contract Regulations (PCR2015) and to help achieve value for money and decrease risk. This contract value, in its entirety, exceeds the Light Touch Regime (LTR) threshold of **£589k** and should be tendered in accordance with the regulations.

My suggested route to market would be via an open framework. This would create an 'Approved List' of providers and would be open to join and leave throughout the contract period. To gain access to the framework, providers would need to pass a due diligence stage and evaluated against additional criteria set by DMBC applicable to this type of contract. The providers who were successfully admitted onto the framework could be used on a rotational or availability basis. DMBC could either dictate the financial envelope to the providers, as per the above £150 per assessment, or market test with no financial envelope creating a competitive contract which should naturally decrease pricing. The Strategic Procurement Team (SPT) can facilitate this procurement.

Name: Holly Wilson, Senior Category Manager Signature: _____ 

Date: 27/06/17

Signature of Assistant Director of Finance & Performance
(or representative)

Box 9**ICT IMPLICATIONS:**

It has been confirmed that only minor changes to the existing P2P process are planned, whereby the purchase order number will not be provided until the work has been received, rather than at the point of allocation. It is also understood that the MHA rate is not stored/used in any other system(s) than P2P. As such, there are no ICT implications associated with this decision.

Name: Peter Ward (ICT Strategy Programme Manager)

Signature: 

Date: 26/06/17

Box 10

ASSET IMPLICATIONS:

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)

Signature: By email **Date:** 23rd June, 2017

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11

RISK IMPLICATIONS:

To be completed by the report author

There is a risk that some of the MHA's will not want to accept the new fees and will not undertake any further work for DMBC, however this risk is minimised by the fact that neighbouring authorities pay the lower fee.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12

EQUALITY IMPLICATIONS:

To be completed by the report author

There are no equality implications to the proposal.

Name: _____ **Tracy Mistry** **Signature:** **_TJ Mistry_** **Date:** **4th August 2017**
(Report author)

Box 13

CONSULTATION

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Box 14

INFORMATION NOT FOR PUBLICATION:

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: Gillian Parker Signature:  Date: 07/08/2017
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: _____ **Date:** 21/08/17 _____
Director of People Damian Allen

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions.

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above
decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox