

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/042/2017
Commissioned Care and
Support at home Transitions
Team

Box 1

DIRECTORATE: AHWB

DATE: 12/05/2017

Contact Name: Tricia O'Connell

Tel. No.: 01302 736409

Subject Matter: Commissioned Care and Support at home Transitions Team

Box 2

DECISION TAKEN:

Further to ODR reference Number 20016A&C309 and reference number 2016A&C344 Transition team which approved funding for a dedicated team to manage the transitions phase (0) of the Commissioned Care and Support at home project, there is a need to extend some of the roles/ functions with this work. This would mean extending the 1 x FTE Delivery lead/ project manager and two Direct Payment support workers for a further 6 months from June 2017 until December 2017.

The funding would come from the Adults Transformation fund already agreed for this project but not utilised to date.

Box 3

REASON FOR THE DECISION:

Give relevant background information

1. The Commissioned Care and Support at Home project was initiated in October 2015, following the introduction of changes in policy and guidance.

In September 2015 the National Institute of Care Excellence produced guidelines focusing specifically on older people receiving home care and their carers. These services should promote independence and support people to do the things that are important to them. A baseline assessment of current services in Doncaster against the guidelines shows that less than 30% of the recommendations are being fully met by the current model of delivery and that a new model is required.

2. Through consultation with the market, service users and internally it was agreed that the new model of homecare will incorporate a strategic relationship with lead providers over 6 localities accompanied by a framework of additional support providers. Strategic Lead providers (SLPs) will be the operational partner that works alongside DMBC to deliver significant change to culture and process regarding the way that care is delivered; they will be the primary deliverer of care in each of the localities. The additional support providers (ASPs) will be an additional resource to maintain a diverse market and choice for individuals

3. After discussions with internal colleagues at DMBC and workshops with care and

support providers, it was recognised that both internally and externally Doncaster was not ready for the move over to a locality-based model to happen all at once. Therefore, full implementation of the model will be phased, to ensure that the market is fully stabilised and capable of supporting the transitional changes:

(a) Phase 0: Stabilisation (October 2016 – June 2017)

This phase will focus on the initial stabilisation of the market, to ensure that it will be capable of the future changes to the way home care and support is delivered in the borough. This phase will involve;

- An SLP being appointed to each of the 6 localities.
- A framework of borough wide ASPs being appointed to maintain choice in the market.
- Individuals already receiving a package of support from a provider who successfully secures a new contract (SLP/ASP) will remain with their current provider.
- Care packages with current providers who do not get awarded a new contract will transfer to the SLP unless the individual chooses to take a direct payment to remain with their current provider.
- All new packages where the individual wishes to receive a Council commissioned service will be referred to the SLP.
- If the lead provider is unable to accept the package it will be brokered to ASPs and the non-acceptance flagged for contract management discussion with the SLP.
- Electronic call monitoring will be introduced to make sure that calls are being delivered at the correct time and for the specified duration.
- Building the relationship with the SLPs to enable the development of subsequent phases.

4. In order to successfully implement the proposed homecare model, a dedicated team consisting of relevant expertise was needed to be mobilised from June 2016 to support, supervise and manage the risks associated in Phase 0 with transitioning to a new service. The team initially team required and funding agreed would consisted of:

- (Additional Resource) 1 x FTE Grade10 Delivery Lead / Project Manager
- (Additional Resource) 1 x FTE Grade 7 Senior Support Officer – Direct Payments
- (Existing Resource) 1 x FTE Grade 8 Contract Monitoring Officer
- (Additional Resource) 2 x FTE Grade 9 Social Workers
- (Existing Resource) 0.75 x FTE Grade 5 Contracts Quality & Monitoring Assistant

However DMBC were unsuccessful in recruiting this level of resource. Therefore Since October 2016 the team has consisted of

1 X FTE Grade 10 Delivery Lead/ Project Lead
2 x FTE Senior Support Direct Payment officers
3 x FTE Social Workers.

The Delivery lead is covered by a DMBC at risk member of staff

1 x FTE Senior Support direct payments officer is being cover by a DMBC at risk member of staff and the other FTE Senior support direct payments officer is employed on a temporary DMBC contract.

The 3 FTE Social Workers are employed via agency which has a cost over and above the DMBC grade 9 posts.

The team have been responsible for :

- Ensuring a smooth transition from the current framework to the new locality-based model, within the set timeframes.

- Co-producing an implementation and communications plan with internal and external stakeholders.
- Developing a contingency plan to ensure that there is an agreed plan in case of emergency.

Effective Working Relationships:

- The team have maintained an effective working relationship with both incumbent providers and those looking to enter the market in Doncaster.
- New providers to the area have been supported in terms of integration
- The team have acted as a single point of contact for incumbent providers and new providers, current service users, care staff working within the organisations and external stakeholders, to answer any questions, queries or allay concerns associated with such a significant service change.
- Internally, the team have acted as specific points of contact for internal matters which in turn has facilitate better joint working.
- The transition period has been 'owned' by the team, resulting in a well-coordinated and pragmatic approach to the change. The team has worked alongside existing providers to ensure a smooth transition, facilitated by the accurate information collected on current care packages

Increase in Direct Payments:

- Consistent, quality engagement has meant that service users and care providers have been well supported when it came to the transferring of clients over to a Direct Payment or to the Strategic Lead provider for that area.
- The dedicated Direct Payments officers have created increased capacity within the Direct Payments team, to turn what has been an expected surge of requests for Direct Payments, around quickly and effectively.

Since the team commenced in October 2016 a large percentage of the reviews have been completed.

The target is to complete the complex reviews by July 2017. There will be approximately 100 of light touch reviews to be completed. This are currently being completed by the Senior support direct payments officers.

The Delivery Lead worker currently Nicola Scott was managed this project effectively and in addition took on the role of Subject Matter expert (SME) for the Non Residential work.

The request in this ODR is to extend Nicola's Post until 31st December 2017 to continue to oversee the end of this project but for her main role as SME for the Non-residential work be extending to include the SME for the DIPs programme.

The SME for the DIP's programme currently sits with an external agency team manager. The Team manager role is due to end in June.

And to Extend the 2 FTE Senior support direct payment officers to complete the light touch reviews.

The original agreed budget for this project has not been utilised therefore a request to extend the work within the original agreed budget.

Box 4**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

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

To not extend the roles within the transitions team and the Subject matter expert

- 1) There would be greater potential for service failure and provider exit if this was the case.
- 2) There would be a delay in moving the phases with CCaSH forward.
- 3) There is a risk to the go live date of the non-residential project and the DIPs programme

To include these roles amongst existing work remits –

- 1) The option to include this work on top of existing day to day roles has been considered, however the work required equates to full time roles and therefore requires dedicated resources.

Box 5**LEGAL IMPLICATIONS:**

S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be determined by job evaluation. The Council has policies to deal with recruitment which should be followed.

For the new temporary posts it is advisable to set up a temporary contract for a fixed term. Any employee regardless as to whether or not they are employed for a fixed term, part time or otherwise obtain certain employment protection, which includes protection from unfair dismissal after 2 year's employment service. In order for liability in relation to, inter alia, unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the commencement of the contract. After the 4th year of renewal the Employee may be entitled to the position on a permanent basis.

For the employees/workers where it is proposed to extend their current temporary contract it is advisable to vary the existing contract by agreement ensuring that terms are agreed before the extension is due to commence. The extension of the contract will be regarded as a renewal.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

If the length of the contract exceeds 1 year upon termination the Employee may be

entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

If the Council terminates the contract early, then there may be some liability for payment of the outstanding salary to the employee unless a suitable break clause is included. Therefore terms of the contract must therefore be carefully considered to avoid additional liability and/or financial loss.

If any temporary employee is sourced through an agency care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to. In addition, from April 2017 the rules relating to the application of the Intermediaries Legislation (IR35) for individuals engaged 'off-payroll' in the public sector will be changing. In summary, the payments we make to such workers will be subject to the application of the new legislation which means that contractors supplying their services through their own personal service companies (PSCs) will be considered to fall within IR35 unless it can be proven otherwise. The application of IR35 will require the Council to deduct and national insurance contributions for all payments made to these contractors after 6 April 2017. The Council has processes that should be followed to prevent legal and financial liability

There are no legal restrictions on the use of Agency workers for a local authority. There is a legal obligation to consider best value and therefore it is recommended that there be regular reviews of the decision to use agency staff to ensure this obligation is being met. There should also be a contract that sets out the terms of assignment in place prior to the commencement of the role. Reed were appointed as the Council's supplier of temporary staff following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules.

Name: H Wilson Signature: by email Date: 25/05/2017
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6 FINANCIAL IMPLICATIONS:

This decision extends existing posts for 6 months as follows:

	£
Delivery Lead (Grade 10)	23,256
2 x Snr DP Support Officers	<u>28,020</u>
Total add'l cost	<u>51,276</u>

As discussed above, funding for this additional costs exists within the Adults Transformation funding already set aside to deliver the CCASH Transitions programme.

The remaining monies within the Adults Transformation Fund are committed to other projects and therefore any costs above the £51,276 identified in this ODR will need to be met from other budgets

Name: Paul Williams Signature: by email Date: 15/05/17
Signature of Assistant Director of Finance & Performance (or representative)

Box 7**HUMAN RESOURCE IMPLICATIONS:**

Human Resources support the extension of the Delivery Lead and 2 x FTE Direct Payments Support Officers for the reasons outlined in the body of this ODR. The original ODR for the project, created in October 2016, referred to 4 x FTE Grade 9 Social Workers. Since that time three posts have been covered by agency workers and a separate ODR will need to be provided to record any decisions taken in respect of these posts with effect from 1 June 2017. Where possible the use of agency workers should be minimised and it is recommended that consideration be given to creating fixed term contracts for these workers.

Name: D L Dawson

Signature: [REDACTED] Date: 30 May 2017

Signature of Assistant Director of Human Resources and Communications (or representative)**Box 8 PROCUREMENT IMPLICATIONS:**

There are no procurement implications as the staff involved are already currently employed by DMBC

Name: Denise Bann Signature: D Bann Date: 17/5/17**Signature of Assistant Director of Finance & Performance (or representative)****Box 9 ICT IMPLICATIONS:**

There are no direct ICT implications in relation to this decision. The line manager must ensure that the changes to the contract end dates are updated on the HR Portal at the appropriate time.

At the expiry of the extended contracts and in line with the leavers checklist, the line manager is responsible for ensuring that email and system access is removed (by completing the 'Removal of User' request form, available via the ICT Self Service Portal) and that any allocated ICT equipment is returned.

Name: Peter Ward (ICT Strategy Programme Manager)Signature: [REDACTED] Date: 15/05/17**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

Box 10**ASSET IMPLICATIONS:**

Any requirement that might arise for additional accommodation or the reconfiguration of existing workstations to support the extension to contracts as outlined should be directed to the Assets & Property team in the first instance in order that such needs can be provided for in line with the Council's wider Assets Transformation programme and WorkSmart strategy.

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

Signature: By email

Date: 12th May, 2017

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

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

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

If the decision to extend the proposed roles/functions in the transitions team and the Subject matter expert implement is not agreed, there is potential that:

There will not be some clients who will not have transferred over to the new providers or been offered a direct payment in a timely manner

The work would have to sit within locality team and be part of business as usual therefore increase an impact on daily business.

We will not have completed the work to transfer to new providers as agreed in the procurement exercise.

There is a risk that the Subject matter expert role will not be fulfilled. This will impact on the delivery and time scales for both the non-residential work and the DIP's programme

Box 12**EQUALITY IMPLICATIONS:**

To be completed by the report author

The Transitions Team will support all Strategic Lead and Additional Support service providers and in turn will be accessible to support and assist all users of those services. This support service will not tolerate behaviours that are prohibited by the Equality Act 2010 and will actively work to reduce discrimination and reduce inequalities across all protected characteristics.

A Due Regard Statement was completed as part of the Commissioned Care and Support at Home project and applies to the same category of current service users.
DRS

Name: Tricia O'Connell **Signature:** by email **Date:** 12th May 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 to the Freedom of Information Act 2000, it is in the Public's interests to publish this decision in full, redacting only the signatures.

Name: Gillian Parker_ Signature:  Date: _30/05/2017_
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: _____  _____ Date: 9th June 2017
Director/Assistant Director

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