

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.044.2017Additional
Resources to Support The
Transition

Box 1

DIRECTORATE: Adults Health & Wellbeing

DATE: 7th June 2017

Contact Name: Karen Johnson

Tel. No. 01302862507

Subject Matter: Additional Resources to Support The Transition

Box 2

DECISION TAKEN:

To recruit two temporary dedicated Social Workers and an additional two temporary Safeguarding Adults Personal Assets Team (SAPAT) Case Workers for a period of 12 months. In addition there is a need to extend the existing 1 x temporary SAPAT Case Worker for a period of 6 months the total cost is £150,000. These additional resources will allow SAPAT to:

- 1 Transition clients to alternative pathways
- 2 Free up capacity to allow SAPAT Case Workers to visit clients along with the Social Worker and provide a more personal response
- 3 Allow SAPAT the capacity to actively support the development of the Community Led Support model
- 4 Allow the cross pollination of specialised skills within SAPAT such as Protection of Property and deceased clients
- 5 Work closer with Financial Assessments Team to reduce the social care debt
- 6 Resolve backlog of complex cases which involve issues such as the sale of property
- 7 Reduce cases and cost of service

Box 3

REASON FOR THE DECISION:

SAPAT is a relatively small service within the Directorate of Adults, Health and Wellbeing that looks after the financial, property and personal affairs of vulnerable adults in the community and in residential care. These clients typically lack the capacity or family support to look after their own financial arrangements.

SAPAT currently looks after 546 clients with 338 Appointeeship Cases and 158 Deputyship cases with 50 other cases such as Power of Attorney cases or those at application or relinquishment stages. In addition to these, there are 36 deceased individuals' estates that are being actively worked on. Total monies held by SAPAT

on behalf of these clients has reduced to under £7.m as at April 2017 (down significantly from the £9.6m originally reported when this work began).

Prior to the commencement of the SAPAT Project there were insufficient checks and balances when accepting new clients. This approach resulted in a dis-proportionately large SAPAT case load when compared to other neighbouring authorities. Numerous SAPAT clients have been identified where SAPAT is not the most suitable option as the client has family members, capacity or sufficient wealth to choose an alternative provider.

In 2016 it was agreed that there is a need to reduce SAPATs client base from the 546 clients it currently serves to around 400 clients. To achieve the reduction to 400 cases around 200 and 250 social workers reviews will have to be undertaken, as it is recognised that during the review process previously unknown factors could materialise making SAPAT the only / best option for the client. Internal Audit supports the proposal to reduce SAPATs client base, which would see individual caseloads across its 10 staff reduce to around 40 cases per worker, which is deemed a safe amount of cases.

Currently SAPAT does not have any dedicated Social Workers resource so all requests for support go through to the Adult Contact Team and are allocated in accordance with other corporate and service priorities. To achieve the necessary reduction two dedicated SAPAT Social Workers are required to undertake the necessary best interest decisions and capacity assessments.

Reducing SAPATs client base remains a resource intensive exercise which cannot be accommodated within the existing permanent SAPAT establishment. In addition to the request for two Social Workers there is a need to recruit two additional SAPAT Case Workers (and a six month extension to 1 x temporary SAPAT Case Worker) who will undertake key functions including:

- 1 Transition clients to alternative pathways
- 2 Freeing up capacity to allow SAPAT Case Workers to visit the client along with the Social Worker and complete necessary information
- 3 Allow SAPAT the capacity to support the development of the Community Led Support function
- 4 Allow the cross pollination of specialised skills within SAPAT such as Protection of Property and deceased clients
- 5 Work closer with Financial Assessments Team to reduce the social care debt
- 6 Resolve the backlog of complex cases which involve issues such as the sale of property
- 7 Work with Social Work teams to avoid future referrals to SAPAT

It should be recognised that the reduction of the SAPAT client base is a lengthy process, with a single Deputyships case taking in excess of six months to relinquish.

Upon commencement of the SAPAT project there was a recognition and urgency to stem the flow of clients that could access SAPAT. Robust procedures have been adopted which has been pivotal in reducing SAPAT numbers. There is a continual pressure to ensure that SAPAT client numbers reduce further. Without additional support SAPAT are unable to undertake an effective co-ordinated relinquishment

programme, which impacts on the ability of the team to take on new clients.

The proposed two additional Social Workers, two Case Workers and six month extension to 1 x temporary SAPAT Case Worker resource, will enable SAPAT to ensure their client base are at the lowest end of the financial spectrum. Those clients identified with wealth and or family members are moved to alternative pathways.

SAPAT has the ability to add valuable input into wider corporate agendas such as the Community Led Support model. Due to the current excessive caseloads SAPAT Case Workers can only offer limited support and guidance to clients, families or DMBC staff members regarding SAPATs core business Appointeeship and Deputyship. The ability to support these clients sooner could significantly reduce the amount of clients trying to access the service.

Costs for two Social Worker resource, two SAPAT Case Workers for 12 month in addition to a six month extension to 1 x temporary SAPAT Case Worker are identified in Table 1. Table 2 identifies additional associated costs.

Table 1: Anticipated Staffing Costs

Resource	Cost	With On Costs	Total
Social Worker 1 (Scale 9)	£34,557	£43,036.11	£43,036.11
Social Worker 2 (Scale 9)	£34,557	£43,036.11	£43,036.11
SAPAT Worker 1 (Scale 6)	£19,043	£23,209.22	£23,209.22
SAPAT Worker 2 (Scale 6)	£19,043	£23,209.22	£23,209.22
Existing SAPAT Worker (Scale 6) for 6 months	£9521.50	£11,604.61	£11,604.61
Total Cost			£144,095.27

Table 2: Additional Anticipated Costs and On-costs

Resource	Quantity	Total
Caspar Licences	4	£1,500
Mobile Phones	2	£500
Incidentals such as training courses	4	£3904.73
Total Cost		£5,904.73

Total	Total
Table 1	£144,095.27
Table 2	£5904.73
Total Cost	£150,000

Upon approval for the additional resources a clear reporting mechanism will be developed by SAPAT Management and reported through the SAPAT Project Board.

Staffing Restructure of SAPAT

In line with Internal Audit recommendations the SAPAT Manager post needs to be filled with a suitable candidate - urgently. This role is pivotal in making sure that SAPAT continues to improve and that changes made so far continue to be effective. The post has been advertised internally, external and an additional campaign by REEDS to no avail. The SAPAT Managers post is currently out to advert with DMBC

recruitment partner TMP Worldwide. Any suitable candidates will be interviewed on 23rd June 2017. Once the SAPAT Manager is in situ, SAPAT can then be considered for restructure, to ensure that their roles and responsibilities align with the future needs of the service.

Line Management Responsibilities

Due to the professional requirements of Social Workers line management responsibilities would be via matrix management to fall under the relevant Head of Service for practice and professional guidance and ensuring holistic reviews are undertaken. The SAPAT Team Manager would direct and allocate priorities to the Social Workers and be responsible for ensuring the steady reduction of SAPAT cases.

The two additional SAPAT Case Workers and six month extension to 1 x temporary SAPAT Case Worker resources would be managed directly by the SAPAT Manager. Responsibility for the cross pollination of skills across SAPAT falls firmly under the remit of the SAPAT Manager along with the need to support the Community Led Support model and the reduction in the SAPAT client base.

Future Sustainability

Once SAPATs client base has reduced to the around 400 clients the two temporary Case and 1 x temporary SAPAT Case Worker resource will no longer be required, as additional tasks such as advice and guidance will be embedded within SAPAT.

The two additional social worker resource will need to be reviewed regularly to determine if dedicated resource is required moving forward. The aim of this work is to move SAPAT to BAU.

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

Internal Audit have identified the current caseloads held by SAPAT caseworkers remain unsafe Alternative solutions were considered to reduce the amount of clients within SAPAT. Option 3 is the proffered option.

Option 1. To Use an External Provider - Quotes were obtained to outsource the Social Work element through various external providers. This approach proved financially unviable at £785 per client review (exclusive of 30% VAT). These reviews would not be holistic so DMBC Social Workers would have to revisit the client regardless. External providers would also not offer guarantees on the amount of SAPAT client reductions. Furthermore these quotes also excluded the back office functions that would be required to be undertaken by the SAPAT Team, such as collating court papers.

Option 2 Do Nothing - By strengthening the front door to SAPAT client numbers entering the service have naturally reduced. With no exit route out of the service SAPAT numbers will remain constant and additional SAPAT resource will be required to manage the unsafe caseloads. Scarce Social Worker resource would still need to be identified year on year to undertake the statutory reviews.

Option 3 Use Additional Temporary Resource – It is recommended that the request for temporary additional resources, identified in this document is supported. The additional SAPAT Social Worker resources will undertake holistic reviews which will ease pressure on Area Team workloads. Additional SAPAT Case Worker resource will support the reduction of clients and support wider agendas such as the Community Led Support model.

Interviewing for a permanent SAPAT Case Worker position concludes on the 16th June 2017. With HR approval unsuccessful candidates could be offered the temporary Case Worker positions. This approach will negate the needs to launch a further recruitment campaign.

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.

Given the nature of the posts required it is advisable to set up temporary contracts 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.

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 the 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: 12/06/2017
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The additional budget required to fund the temporary posts recommended in option 3 is detailed in the body of the report, but in summary the funding required (based upon April 2017 pay rates, including on costs) is:

FTE		£
2.0	Social Worker (Grade 9)	86,070
2.5	SAPAT Worker (Grade 6)	58,030
SUB TOTAL		144,100
	Plus non staffing costs	5,900
GRAND TOTAL		150,000

The government announced an additional Improved Better Care Fund (iBCF) in the spring budget, making £7.05m available in 2017/18. Subject to Cabinet approval on 20th June and consideration by the Health and Wellbeing Board regarding the pooled Better Care Fund on 29th June, £150,000 of the iBCF has been allocated to fund the temporary additional posts recommended in this report.

As indicated in the report, the future sustainability of the SAPAT function and the on-going staffing resource will need to regularly reviewed in order to ensure that the service operates within the budget allocation.

Name: Chris Cowan **Signature:** By email FM/AH&W **Date:** 09/06/17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7**HUMAN RESOURCE IMPLICATIONS:**

HR can support this proposal as all the additional temporary roles relate to established posts both of which have been subjected to the GLPC Job Evaluation as outlined below : -

Social Worker (Above Bar) – JE ID 1761 @ Grade 9

Safeguarding Adults Personal Assets Support Assistants – JE ID 5388 @ Grade 6

All posts should be advertised under the Council's Safer Recruitment policies initially to the attention of Redeployees with the relevant Grade and Skills

Employees who were employed before 6 April 2012 and have 1 year's continuous service, or after 6 April 2012 and have at least two years continuous service, accrue employment rights. Employees who complete 2 years continuous service accrue rights to a redundancy payment.

Fixed-term employees have the right not to be treated less favourably than comparable permanent employees because they are on a fixed-term contract. This means you must treat fixed-term employees the same as comparable permanent employees unless there are 'objectively justifiable' circumstances for not doing so (i.e. there is a genuine, necessary and appropriate business reason). This means the same or equivalent (pro-rata) pay and conditions, benefits, pension rights and opportunity to apply for permanent positions within the business.

Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employees who have been on a fixed-term contract for four years or longer will usually be legally classed as permanent if their contract is renewed or if they are re-engaged on a new fixed-term contract.

The only exemptions are when employment on a further fixed-term contract is objectively justified to achieve a legitimate business aim or when the period of four years has been lengthened under a collective or workplace agreement.

The HR Portal will need attention in collaboration with the HR Establishment Team involving the creation of new Post Numbers as necessary.

Name: Bill Thompson Senior HR & OD Officer

Signature: Bill Thompson **Date:** 09/06/2017

**Signature on behalf of the Assistant Director of Human Resources,
Communications & Executive Office(or representative)**

Box 8

PROCUREMENT IMPLICATIONS:

Where it is proposed to engage staff via an agency arrangement, the Council has a corporate contract for agency staff through Reeds which will enable the service area to fill the positions as required.

Where the Contract with Reed cannot meet the Councils requirements then a formal tender process will need to be followed in line with the Councils Contract Procedure Rules and associated IR35 legislation

Name: D Bann **Signature:**  **Date:** 9/6/17

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

Box 9

ICT IMPLICATIONS:

As with any new starters, a support call would need to be raised via the ICT Self Service Portal for any new ICT equipment/non-standard software needed and for the necessary user account(s) to be created together with access permissions to relevant systems, where applicable. Requests for new ICT equipment will be considered in line with the principles of the WorkSmart strategy and 'Maximising ICT'.

In addition, the service should ensure any new starters have completed the adequate system training and reviewed and accepted all appropriate ICT and acceptable usage policies.

Name: Peter Ward (ICT Strategy Programme Manager)

Signature:  **Date:** 09/06/17

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 appointments/extension to contract 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: 8th June, 2017

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

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

It is corporately recognised that SAPAT is required to reduce the size of its client base. To achieve any reduction the formal relinquishment process will require specialist tasks such as Best Interest Decisions and Capacity Assessments to be undertaken. These tasks can only be undertaken by Social Workers. The proposal for two dedicated SAPAT Social Worker resource will ensure that the client reduction can be achieved.

In addition the relinquishment process will generate additional work from a SAPAT Case Worker perspective. Without the proposed additional resources SAPAT will be unable to reduce its client base below 400 clients.

SAPAT will also be required to support wider corporate agendas such as Community Led Support. This approach would see SAPAT redirecting customers to alternative pathways at the front door to further reduce client numbers. Supporting CLS will prove challenging without additional resource.

(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

Currently SAPAT clients include wealthy clients and clients with family members. The reduction in client numbers will allow SAPAT to focus on the most vulnerable clients across Doncaster. These clients will predominately be at the lowest end of the financial spectrum, have no family members and / or have safeguarding concerns.

Name: Tony Sanderson **Signature:** 

Date: 8th June 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 to publish this decision in full, redacting only the signatures.

**Name: Gillian Parker Signature:  Date: 13/06/2017
Signature of FOI Lead Officer for service area where ODR originates**

Box 15



Signed: _____ **Date:** 15/06/2017
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