

# 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/081/2017Extension  
of Interim Team Manager  
Intermediate Care Services

## Box 1

**DIRECTORATE:** Adults Health & Wellbeing

**DATE:** 22/08/2017

**Tel. No.:** 01302 737213

**Contact Name:** Debbie John-Lewis

**Subject Matter:** Extend the Interim Team Manager Post for Intermediate Care Services for a Further 12 Months

## Box 2

### DECISION TAKEN:

To extend and recruit into the Team Manager - Intermediate Care Services post for a further 12 months.

## Box 3

### REASON FOR THE DECISION:

Approval was given in Autumn 2016 to introduce a temporary Team Manager for the in-house Intermediate Care Services (Grade 11) for a period of 12 months, combining both Home Care Services - STEPS and Positive Step Assessment Unit under a single management structure reference ( ODR 2016 & C342 Temporary Management Arrangements for Home Care Services).

At the time it was envisaged that the Clinical Commissioning Group's (CCG) review of all intermediate care services would be completed by September 2017 and that new service models and structures would be introduced.

However, whilst there has been progress in developing and testing new intermediate Health & Social Care models, there is no defined model agreed as yet and as such these temporary arrangements will need to be extended for a further 12 month period (September 2018) or until such time when the review is completed.

Over the last 12 months the substantive Registered Manager for Positive Step Assessment Unit (PSU) has been covering the temporary Team Manager Intermediate Care Grade 11 role. However, she will be taking up a secondment position at the end of September 2017, and as such this position will need to be advertised as an

expression of Interest across the Council and an alternative temporary officer appointed to manage these services on an interim basis.

The current post holder's substantive grade 10 salary from Positive Step will be available to fund the majority of this post and the additional incremental - grade 11 costs will be met through the Home Services budget as before.

Further details of the exact budget coding will be included in the financial section of this paper.

#### **Box 4**

##### **OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

**Option 1 – Do not provide any interim management cover** – This would leave the service without a registered manager and therefore none compliant with the statutory regulations set out by the Care Quality Commission (CQC). Equally there would be insufficient management capacity and expertise within the service to manage all the essential functions.

**Option 2- Implement the 12 month temporary management arrangements** – This would meet the requirements of the CQC regulator as a registered manager would be in place. This option will provide the level of expertise and capacity required to ensure that the service continues to operate good quality safe services until such time as the long term future of the services is known.

**Option 2 - Is the recommended.**

#### **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. The grading of any posts is subject to the outcome of a job evaluation exercise and the Council has a policy that sets out how recruitment should be conducted.

The staffing proposal envisages the need to establish temporary arrangements either with a fixed term arrangement. Given the nature of the post required it is advisable to set up 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 4<sup>th</sup> 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 grounds 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 Employee is being sourced through an agency, Doncaster MBC has a policy that regulates the use of Agency workers and care must be taken to ensure this policy is followed as when seeking authority to operate outside the policy this could create a precedent. 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. The current contractual arrangements should be reviewed and updated to include the new terms prior to the commencement of the new arrangement.

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.

The Council has policies and procedures which should be followed.

**Name: Helen Wilson Signature: H. Wilson Date: \_24/08/2017\_  
Signature of Assistant Director of Legal and Democratic Services (or representative)**

## **Box 6**

### **FINANCIAL IMPLICATIONS:**

This ODR is to extend and recruit (previous post holder has been seconded into a different team) into the Team Manager - Intermediate Care Services post for a further 12 months. Funding currently exists with the Positive Steps budget for a grade 11 Team manager position and the budget allocated with on costs amounts to £55,320.

The range of a grade 11 post with on-costs is between £53,006 and £55,312. If the post recruited to starts at the bottom of a grade 11 then there will be a slight saving of approximately £2300.

The positive steps budget is fully funded from the Better Care Fund so any savings achieved will be put back into the Better Care Fund.

The ODR does not make reference to the expected start date so again if there is a delay between the previous post holder leaving and the new post holder starting there may be savings against the salary budget allocated.

[redaction]

**Name:** Nick Cameron **Signature:**

**Date:** 29.08.2017

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

**Box 7**

**HUMAN RESOURCE IMPLICATIONS:**

Human Resources support this proposal. The interim Team Manager post has previously been evaluated at a Grade 11 and there is no reason to re-evaluate the post due to the extension as the duties remain the same. An internal expression of interest is an appropriate method of recruitment as it is believed there are the necessary skills within the organisation to undertake this interim role. A temporary role will need to be created on the HR Portal in order to appoint the successful candidate to the role.

[redaction]

**Name:** D L Dawson

**Signature:**

**Date:** 24.08.17

**Signature of Assistant Director of Human Resources and Communications (or representative)**

**Box 8**

**PROCUREMENT IMPLICATIONS:**

As this person is directly employed by DMBC and not subject to the CPR's there are no procurement implications linked to this ODR.

[redaction]

**Name:** Holly Wilson

**Signature:**

**Date:** 23/8/17

**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.

[redaction]

**Name:** Dan Parry **Signature:**

**Date:** 24.08.2017

**Signature of Assistant Director of Customer Services and ICT  
(or representative)**

**Box 10**

**ASSET IMPLICATIONS:**

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

**Name:** David Stimpson, Property Manager

[redaction]

**Signature:** \_\_\_\_\_ **Date:** 24 August 2017  
**Property Manager – on behalf of Assistant Director of Trading Services and Assets**

**Box 11**

**RISK IMPLICATIONS:**

The service would be none complaint with the CQC's statutory regulations if a registered manager was not in place and would therefore have to suspend or close the service down.

This would result in an increased number of delayed hospital discharges and community referrals.

**(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:**

The Council's Corporate Recruitment Policy will be applied as part of the expression of interest process.

**Name:** Debbie John-Lewis

[redaction]

**Signature:** \_\_\_\_\_ **Date:** 23/08/2017

**(Report author)**

**Box 13**

**CONSULTATION**

**Officers**

Consultation has been carried out with the Senior HR Manager, Finance, Service Managers within the intermediate care service, Doncaster CCG project Lead

**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: by email Date: 29/08/2017  
Signature of FOI Lead Officer for service area where ODR originates**

[redaction]

**Box 15**

**Signed: Damian Allen, Director Date: 12/09/2017**

**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