

## 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/003/2018 Health  
and Social Care  
Transformation Director**

### Box 1

**DIRECTORATE:** Adults Health and Wellbeing

**DATE:** 8<sup>th</sup> January 2018

**Contact Name:** Patrick Birch

**Tel. No.:** 01302 734763

**Subject Matter:** Health and Social Care Transformation Director

### Box 2

#### DECISION TAKEN:

To create the post of "Health and Social Care Transformation Director" and fund it from the Better Care Fund.

The post will drive forward the implementation of the Doncaster Place Plan, working with a range of Health and Social Care partners and integrating health and social care services.

This a joint Health and Social care post and it is expected that the post holder will report to the Health & Social Care Transformation Governance Group, which is the key Chief Executive health and social care forum in Doncaster.

The post will be a 2 year fixed term post or secondment.

Elements of the post will be covered on an interim basis for approximately 6 months to make sure that progress is made during recruitment and as the new Director settles in. The interim arrangements commenced at the beginning of October 2017 and cover 3 days per week on the place plan, plus 1 day per week specifically on the complex lives project, at a total cost of £2,822 per week (4 days at £705.57 per day). If the interim arrangements last for 23 weeks over 6 months as planned, then the total cost will be £64,912.

The interim member of staff referred to above will work an additional day for the council to continue existing corporate work. The individual concerned will therefore work a total of 5 days per week, 4 funded from BCF and 1 funded from Strategy and Performance budgets. If the interim arrangements last for 23 weeks over 6 months as planned, then the total cost will be £16,228.

The salary plus on-costs of the newly established post will be approximately £112,968 (2017/18) rising to £114,098 (2018/19). A 2 year contract would cost £228,102.

The total cost for the interim arrangements and contracted post would therefore be approximately £309,242.

The post and interim arrangements will be funded from the Better Care Fund and specifically from the non-recurring £1.5m set aside for CCG/DMBC integration functions. If necessary a business case will be presented for approval at the Joint Commissioning Coordination Committee and the Transformation Coordination Group.

### **Box 3**

#### **REASON FOR THE DECISION:**

The Health & Social Care System Transformation Governance Group has recognised the need for transformation capacity, to take forward the Areas of Opportunity across health and social care commissioners and providers in Doncaster.

Transformation capacity has been provided so far this year by Ernst & Young, and this is to come to end in October 2017.

It is now proposed that a Director of Transformation is appointed, as a 2 year fixed term post to drive delivery of the plans created by Doncaster partners with Ernst & Young.

The Doncaster health and social care community is committed to creating a new model of integrated commissioning and provision to improve quality and outcomes for the local population, whilst ensuring the efficient use of available resources. Partners have agreed a number of early opportunities for integration and the supporting governance structure is well under development. The newly created Director of Transformation role is integral in securing the shift to the new operating model.

The Director of Transformation is a key post across health and social care commissioning and provision. The role will provide leadership and direction in supporting organisations to enable the integrated working required to deliver the Doncaster Place Plan vision.

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

There is an option to attempt to deliver health and social care transformation without a joint director. However, this would diminish the ability to provide leadership and direction across all organisations and therefore impact upon the ability to enable the integrated working that is required across the full range of partner organisations.

There is also the option to spread the responsibilities of the post between existing leadership staff. At this point in time the pressures associated with health and social care are significant and existing staff simply would not be able to shoulder the additional responsibilities of this post.

The recommendation is to create a new post for 2 years to provide the additional leadership capacity that will significantly increase the ability to transform health and social care services across the Doncaster system.

**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 initial 6 month interim requirement it is advisable to secure the post holder through an agency. When sourcing staff 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 changed. 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.

For the remaining 2 year contract, if the post is to be hosted by the Council, 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 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 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.

**Name: Helen Wilson Signature: \_\_by email\_\_ Date: 18/01/18**  
**Signature of Assistant Director of Legal and Democratic Services (or representative)**

#### **Box 6**

#### **FINANCIAL IMPLICATIONS:**

The estimated cost of this decision is discussed in the body of the report but is summarised below:

	2017/18	2018/19	2019/20	Total inc on-costs
	£	£	£	£
Complex Lives 1 day p/w	16,228			16,228
Interim Director 3 days p/w	48,684			48,684
Director (Fixed term 24 months)	9,414	114,098	104,590	228,102
<b>Non-recurrent BCF Total</b>	<b>74,326</b>	<b>114,098</b>	<b>104,590</b>	<b>293,014</b>
Corporate Post (SPU) 1 day p/w	16,228			16,228
<b>Grand Total</b>	<b>90,554</b>	<b>114,098</b>	<b>104,590</b>	<b>309,242</b>

The £16,228 for corporate work will be met from within existing SPU budgets.

The £16,228 for Complex Lives will be funded from the £1.5m non-recurrent BCF funding.

The remainder (£276,786) will be funded from the £1.5m non-recurrent BCF funding already agreed by the JCCC on 30<sup>th</sup> June 2017.

The approval for this funding and all non-recurrent BCF funding (including the £1.5m discussed above) will be subject to a detailed report being taken to Cabinet to ensure appropriate approval for all spend is obtained. There is no intention therefore to make this specific proposal a key decision.

This cost will have to be managed within the overall funding available, and may change depending on the final decision on which organisation hosts the fixed term post and the grade appointed to. However initial conversations with the CCG do suggest that a similar cost can be expected if the post is hosted by CCG.

**Name:** Heather Waddingham **Signature:** *H J Waddingham* **Date:** 29/01/18  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

#### **Box 7**

##### **HUMAN RESOURCE IMPLICATIONS:**

As regards the interim arrangements, a suitable candidate has already been sourced through the Council's Managed Service Provider, Reed. The role has been deemed to be outside IR35 as although the agency worker will be undertaking some duties of this post, there are other areas of responsibility that are being undertaken of a corporate nature, so the assignment is bespoke to enable key priorities to be delivered, not only through the Place Plan but wider. Day rate has been agreed and is in line with local governance arrangements. The Council will pay the full agency fee through Reed. The assignment is due to come to an end 31.3.18 although can be ended sooner if required (see below).

The fixed term role has now been recruited to and the successful candidate is due to start before the end of the financial year. Therefore, the Place Plan aspects of the assignment may end earlier than 31<sup>st</sup> March and the required days may reduce so as just to cover the corporate elements. Whilst there may be a short handover period, the assignment should be prudently managed between Patrick Birch / Lee Tillman to ensure the Council does not incur agency costs unnecessarily.

[redaction]

**Name:** Sarah Jones **Signature:** [redaction] **Date:** 15.1.18  
**Signature of Assistant Director of Human Resources and Communications (or representative)**

#### **Box 8**

##### **PROCUREMENT IMPLICATIONS:**

There are no procurement implications as the post holder has already been sourced via Reed who are the Council's contracted provider for the provision of agency staff

**Name:** \_\_\_\_\_ D Bann \_\_\_\_\_ **Signature:** [redaction] **Date:** \_15/01/18\_  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Box 9****ICT IMPLICATIONS:**

In implementing the recommended option within this ODR, the Recruiting Manager should ensure the ICT and Technology needs of the recruited resources and ensure timely notification is made to ICT via iServe, for the creation of accounts, access to technology and systems.

The Recruiting Manager must also ensure that all mandatory training in respect to data quality and protection is undertaken by any new recruits as well as familiarisation with acceptable use policies as set by the Council and its SIRO.

Any additional technology requirements to those listed above, must be submitted via the prescribed Business Case pro-forma for consideration by the ICT Governance Board.

**Name:** Peter Ward (Governance & Support Manager)

**Signature:** [redaction] **Date:** 09/01/18

**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 recruitment proposal as outlined should be directed to the Strategic Asset Management team in the first instance in order that such a need can be provided for in line with the Council's WorkSmart strategy.

**Name:** Gillian Fairbrother (Principal Property Surveyor)

**Signature:** By email **Date:** 10<sup>th</sup> January, 2018

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

**Box 11****RISK IMPLICATIONS:**

The extra capacity required to transform health and social care and deliver the Doncaster Place Plan has been recognised by all partners, from both a provider and commissioner perspective.

Without the post of Health and Social Care Transformation Director there is a risk that transformation will not proceed at the pace required. This in turn will have a negative impact on Doncaster's ability to integrate health and social care and therefore deliver the outcomes required for the Doncaster Place Plan.

From a Council perspective, the Adults Health and Wellbeing Transformation Programme is intrinsically linked to delivery of the Place Plan and therefore the many planned service improvements and efficiencies would also be at risk without this additional strategic capacity.

## **Box 12**

### **EQUALITY IMPLICATIONS:**

Decision makers will consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

[redaction]

**Name: Howard Monk   Signature:**  
(Report author)

**Date: 26<sup>th</sup> January 2018**

## **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: by email Date: 23/03/2018**  
**Signature of FOI Lead Officer for service area where ODR originates**

**Box 15**

[redaction]

**Signed: \_\_\_\_\_ Date: \_14/02/2018\_**  
**Damian Allen Director of People**

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Chief Financial Officer or nominated representative for Capital decisions**

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Chief Executive**

- 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