

APPENDIX 1

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AHWB.005.2020 BCF funding for ICES

BOX 1

DIRECTORATE: Adults, Health & Wellbeing

DATE: 27/03/2020

Contact Name: Stacey Chaplin

Tel. No.: 01302 735447

Subject Matter: Approval of Better Care Fund (BCF) Funding from the earmarked reserve to agree a new post-Partnership Manager for the Integrated Community Equipment Service.

BOX 2

DECISION TAKEN

To agree the recommendation from Joint Commissioning Operational Group, approved by Joint Commissioning Management Board on 19 March 2020, to provide funding for two years of £123,000 to be funded from the Non Recurrent BCF Earmarked Reserve allocated to the Place Plan for a new post-Partnership Manager for the Integrated Community Equipment Service.

BOX 3

REASON FOR THE DECISION

The BCF is a programme spanning both the NHS and local government to improve the lives of some of the most vulnerable people in our society, placing them at the centre of their care and support, and providing them with 'wrap around' fully integrated health and social care, resulting in an improved experience and better quality of life.

Year on year increases in demand for community equipment have placed unsustainable pressures on all Council and Clinical Commissioning Group budgets in both Children and Adults Services. There are concerns that the contract is over-spending on equipment and special items (non-catalogue items). The budget control and over-spend currently does not have sufficient rigour and challenge to Prescribers.

The present supply contract is due to end on 5 September 2021 and there are no further extensions available. To inform the commissioning decision, there is an urgency to carry out a

deep dive service review and benchmark other authorities whilst ensuring compliance with statutory duties and the promotion of independence, choice and control. Due to the complexity of the service, work needs to be undertaken within a tight timescale and ready to mobilise for a start date of September 2021.

The Council will appoint to the post-Partnership Manager for the Integrated Community Equipment Service which is pivotal and will play an integrated role in seeking efficiencies in the service in order to make savings.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Option 1 – Do Nothing: Doing nothing could result in a breach of contract, failure to deliver a statutory service, an increase in costs, no budget oversight, overspending and the inability to make efficiencies. **(Not recommended)**

Option 2 – Approve funding for £123,000. Provided that the right person can be recruited, it means that budget management, oversight and a deep dive service review will be undertaken; the recommissioning of the service will take place, resulting in no breach of contract. The statutory service will be delivered at a price that is competitive. **(Recommended)**

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.

For the staffing requirement 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. When recruiting to these posts consideration should be given to establishing them as temporary contracts for a fixed term and appropriate advice sought from HR and Legal. 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.

It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

Name: Nicky Dobson and Helen Wilson _ **Signature:** _____ **Date: 21st**
April 2020 _____

Signature of Assistant Director (or representative)

BOX 6**FINANCIAL IMPLICATIONS:**

The business case approved at JGOG on 25th February 2020 and subsequently approved by virtual sign off with JCMB members. This scheme will be funded from the Better Care Fund Earmarked Reserve as part of the Place Plan.

Cabinet approved to delegate detailed spending decisions for the unallocated balance of non-recurring BCF earmarked reserve to the Director of People in consultation with the Chief Finance Officer and relevant Portfolio Holder on the 27th March 2018.

Name: Helen Rowlands Signature: e-mailed Date: 02/04/20

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7**OTHER RELEVANT IMPLICATIONS****HR**

There are no immediate HR implications regarding the application of this funding however if the funding relates to recruiting to a post the recruiting manager should ensure that the Job Role Summary (JRS) reflects the requirements of the post. Any changes to the JRS, or where a new post is being created, the revised or new JRS should be submitted to Human Resources for evaluation through the GLPC system.

The new post should be recruited to in line with DMBC's Safer Recruitment policy and recruitment should follow the Council's Recruitment and Selection Policy. Initially this should be open to Redeployees before being advertised internally / externally and will need to be created on the HR portal prior to any appointment.

Given the contract is subject to funding for 2 years the following should be noted: Employees who complete 12 months continuous service accrue employment rights. Employees who complete 2 years continuous service accrue rights to a redundancy payment.

If the successful candidate will attain 12 months continuous service prior to the end of the temporary contract they will be eligible to access the Redeployment procedure. To avoid having to retain the individual beyond the scope of the original contract terms they should be placed on the redeployment register early enough to have 12 weeks on the register plus their required notice period before the end of the contract.

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 (ie 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.

Name: Esther Latham Signature:  Date: 01.04.20

Signature of Assistant Director (or representative)

PROCUREMENT

There are no direct procurement implications associated with the recruitment of staff, however if the decision is taken to fulfil the post using contingent labour then the council contract with Reed should ne used in the first instance as in accordance with the Councils Contract Procedure Rules.

Name: Shaun Ferron Signature: email Date: 22.04.20

Signature of Assistant Director (or representative)

ICT

There are no ICT implications relating to the use of Better Care Funding for this new post. Any technology requirements as a result of the service review and to support future efficiencies would require a proposal for consideration by the Technology Governance Board (TGB).

Name: **Peter Ward** Signature: **By email** Date: **2/4/20**

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Decision makers must 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. Having carried out an initial assessment now impacts have been identified across the spectrum of characteristics so a full due regard statement is not required.

This service will help to transform care packages and support those that need it the most.

BOX 9**RISK IMPLICATIONS:** (To be completed by the author)**Key risks of undertaking the work**

- There may not be any applicants or suitable candidates for the position of Partnership Manager
- The timeline is very tight and this may negatively impact on the two areas of work to be undertaken

Key risks of not undertaking the work.

- Budget management oversight and analysis will not be undertaken
- The deep dive service review will **not be** undertaken as there are not the resources and capacity across stakeholders to carry out this work.
- The recommissioning of the service in order to meet the deadline of September 2021 will not be achieved therefore the contract will be in breach.
- Risks to the delivery of a statutory service if the service contract for ICES is not agreed by September 2021
- If not procured in readiness for September 2021 the current provider is unlikely to want to continue for the current price.

BOX 10**CONSULTATION**

Joint Commissioning Operational Group, and Joint Commissioning Management Board

BOX 11**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: 22/04/2020

Signature of FOI Lead Officer for service area where ODR originates

BOX 12**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR **YES/NO**

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Phil Holmes Signature:  Date: 26/05/2020_
Director of Adults Health & Wellbei

Does this decision require authorisation by the Chief Financial Officer or other Officer
YES

If yes please authorise below:

Name: Debbie Hogg Signature:  Date: 04/05/20

Consultation with Relevant Member(s)

Name: Cllr Rachael Blake Signature:  Date: 01/05/2020

Designation Cabinet Member for Adult Social Care

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/ NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.