

## 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.035.2021 Funding for Three Temporary Posts**

**BOX 1**

**DIRECTORATE: Adults, Health and Wellbeing**

**DATE: 24.6.2021**

**Contact Name: Siobhan Savage**

**Tel. No.: 01302 737656**

**Subject Matter: Practice Development in Adults, Health and Wellbeing**

**BOX 2****THE DECISION**

To agree the funding for three temporary posts in Adults, Health and Wellbeing from the transformational projects in Social Care earmarked reserve:

- 1 x Strategic Lead for Practice Development – Grade 12 – FTE – Temporary until 31 March 2023
- 2 x Subject Matter Experts – Grade 9 – FTE – Temporary until 31 March 2022

**BOX 3****REASON FOR THE DECISION**

The Adults, Health and Wellbeing (AHWB) directorate vision is for people in Doncaster to live in the place they call home with the people and things that they love, in communities where they look out for one another, doing the things that matter to them. To help us achieve this vision, we need to invest in developing practice to ensure our ways of working adhere to national legislation, policy and best practice, and are shaped by local people with lived experience of seeking and drawing on support.

The Practice Development Team is an important resource with a wide remit, including shaping the vision and purpose of the directorate, ensuring our vision is at the heart of all we do, developing an authentic approach to coproduction, and supporting AHWB staff by developing clear principles and practice guidance, offering ongoing support to embed and develop the new

Mosaic case management system and removing as much bureaucracy as possible to make things better for us and better for the people we serve.

It is particularly relevant that a proportion of the reserve earmarked for transformational projects in Social Care is earmarked for this purpose, as the team will play a key role in ensuring improved experience and outcomes for people in Doncaster and increased morale and job satisfaction for our own staff, which will in turn have a positive impact on our budget.

#### **BOX 4**

##### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not funding these posts will delay successful embedding of improved practice after Mosaic implementation and will significantly affect the Council's ability both to improve outcomes and value for money. The latter will result in greater funding pressures because of an insufficient shift into prevention. It will also affect savings programmes based on new practice approaches that lessen reliance on traditional services.

#### **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 2B of the National Health Service Act 2006 (as amended by Section 12 of the Health and Social Care Act 2012) introduced a new duty on Councils in England to take appropriate steps to improve the health of the people who live in their area.

For the staffing requirements 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 this post consideration should be given to establishing it 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 as well as acquiring requisite length of service to be able to bring a claim for unfair dismissal. It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

In order for liability in relation to 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.

Name: Gemma Ashton Signature: G Ashton Date: 16.07.21

Signature of Assistant Director of Legal and Democratic Services (or representative)

## BOX 6

### FINANCIAL IMPLICATIONS:

The estimated cost of this decision is set out below:

	21/22	22/23	Total
Grade 12	£34,000	£68,000	£102,000
Grade 9 (x2)	<u>£47,100</u>	<u>-</u>	<u>£47,100</u>
	£81,100	£68,000	£149,100

The total cost is estimated to be up to £149,100 over the next two years (assuming posts commence by 01/09/21) and will be met from an earmarked reserve for transformational projects in Social Care, which currently has a balance of £2.6m including the cost of this decision.

Name: **Paul Williams** Signature: by email Date: **22/07/21**

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

## BOX 7

### OTHER RELEVANT IMPLICATIONS

#### Human Resources Implications

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.

Name:  Amy Todd  Signature:  A Todd  Date:  19/07/2021

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).

N/A

**BOX 9**

**RISK IMPLICATIONS:** (To be completed by the author)

Not funding these posts will delay successful embedding of improved practice after Mosaic implementation and will significantly affect the Council's ability both to improve outcomes and value for money. The latter will result in greater funding pressures because of an insufficient shift into prevention. It will also affect savings programmes based on new practice approaches that lessen reliance on traditional services.

**BOX 10**

**CONSULTATION**

N/A

**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:  Rachel Hanna  Signature    Date:  22/07/2021

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: **22/07/2021**

Director of Adults Health and Wellbeing

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

**YES/NO**

**If yes please authorise below:**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive/Director/Assistant Director of \_\_\_\_\_

**Consultation with Relevant Member(s)**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designation \_\_\_\_\_

(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](mailto: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.