

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3905
Author:	Shelley Nicholls
Department:	Children and Adults
Contact:	Shelley Nicholls (Job Title: Head of Early Help Services DCIS, Email: shelley.nicholls@nottinghamcity.gov.uk, Phone: 01158765761)
Subject:	Receipt of direct award from the Clinical Commissioning Group (CCG)
Total Value:	£754,000 (Type: Revenue)
Decision Being Taken:	Please note this is a retrospective decision. To accept funding from the CCG to deliver a Behavioural and Emotional Mental Health Service and to transfer the Behaviour and Emotional Mental Health Service to the City Council.
Reasons for the Decision(s)	The contract is a direct award from the CCG for a period of two years commencing 01 April 2020, to refine a model and work with the current provider and the commissioners re transition and create Job Descriptions and recruit to the Behavioural and Emotional Health (BEH) team. The team will work with children and families from 0-18 or 0-25 (depending on the value of the commissioned contract) who present with behavioural / conduct struggles, and/or symptoms of ASD, ADHD type behaviours/or a diagnosis of ADHD and/or ASD. The team will work alongside Universal services, Early Help services and the parenting team, as well as Education colleagues, who provide interventions for parents of those children who have behavioural challenges, but are not considered to have a neurodevelopmental disorder but are children who challenge their parents/carers and the system.
Briefing notes documents:	08.04.20 - Equality Impact Assessment Form BEMH.docx
Other Options Considered:	To refuse the offer of the direct award - this was rejected as accepting the award gives us the opportunity to develop the service, create better outcomes for families and be in a position to bid when the service is put out for tender in 2 years time.
Background Papers:	None

Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Exempt Information:	
Description of what is exempt:	Legal advice
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information sets out the legal risks inherent in the course of action proposed here, which the Portfolio Holder and Corporate Director are arguably entitled to consider without Nottingham City Council's position being affected simply by the consideration of those risks.
Documents exempt from publication:	DDM text - Behavioural and Emotional Mental Health Service - 09.04.2020 (002).pdf
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	There are no crime and disorder implications arising from this decision.
Equality:	Please login to the system to view the EIA document: Equality Impact Assessment Form BEMH - 28.04.20.docx
Any implications affecting IT:	Yes

Relates to staffing:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	17/06/2020
Advice Sought:	Legal, Finance, Procurement, Human Resources, Equality and Diversity, IT
Legal Advice:	<p>This advice is exempt from publication and is contained within an exempt appendix.</p> <p>Advice provided by Aman Patel (Solicitor) on 16/03/2020 (revised 09.04.2020).</p>
Finance Advice:	<p>The decision seeks approval to transfer the Behaviour Emotional Mental Health Service to the City Council. The contract is a direct award from the CCG for a period of two years commencing 01 April 2020.</p> <p>The total contract value of £0.754m is based on a team of 7, of which, 3 will TUPE from the previous provider. Some costs associated with training are indicative at this stage. The budget assumes a small contingency to cover this and recommends carefully monitoring against the budget.</p> <p>As part of the TUPE transfer, there may be financial risks associated with pension implications. There is no contingency within the current budget to fund any associated costs and therefore I would strongly recommend seeking advice from the Pensions Team to quantify any levels of associated risk.</p> <p>Advice provided by Christine Green (Senior Commercial Business Partner) on 07/04/2020.</p>
Procurement Advice:	<p>This decision relates to the acceptance of funding under a contract award by the CCG to deliver a Behavioural and Emotional Mental Health Service within the Early Help service area. As this does not involve the award of a contract by the Council there are no procurement issues arising, provided any expenditure with external agencies in the delivery of the proposed service is in accordance with the Council's Financial Regulations and contract Procedure Rules. The Procurement Team will support this as required. The Early Help Team should ensure the conditions of the CCG contract awarded are complied with in the performance of the contract.</p> <p>Advice provided by Jo Pettifor (Procurement Team Manager) on 17/03/2020.</p>

IT Advice:

The IT Service support the proposals made in this delegated decision.

The budget proposed for the on-boarding of colleagues to work within the new service includes provision for standard IT products and services, no extraordinary items have been identified as required. The total size of the service once established is expected to be 8 colleagues. The new service will use existing Council and third party systems for which no additional licensing cost will be incurred and no data transfer requirements have been identified around the establishment of the service. A separate assessment of Information Compliance requirements for the Service, including a Data Protection Impact Assessment if required, will be undertaken.

Advice provided by Paul J. Burrows (IT Change, Projects & Strategy Manager) on 01/04/2020.

HR Advice:

Management will need to consider the 3 Tupe'd staff and consider redundancy implications should the funding not continue after the first 2 years. An appropriate exit strategy should be in place for this eventuality.

Management will need to ensure that for any new posts proposed in the NCC proposal are correctly job evaluated and created prior to recruitment activity taking place.

Management should ensure that recruitment to any newly created posts is conducted through the appropriate processes, including redeployment consideration. Management should be aware that the selected post-holders should commence on a starting salary of Level One within the respective grade, unless the appointed colleague is already in employment at the Council and on Level 2 of the same grade, in which case the employee would be matched over at the rate of pay they currently receive. There will need to be a support and development plan for the new post-holders once appointed in line with managing performance. As the posts are temporary for 2 years in the first instance, an appropriate exit strategy must be in place in order to terminate the contracts in line with NCC guidance in the event that the posts cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employees and give appropriate notice.

Advice provided by Aadil Bhatti (HR Consultant) on 16/03/2020.

Equality and Diversity Advice:

Comments have been provided on EIA. Advice provided by Nasreen Miah (Equality & employability consultant) on 01/05/2020.

Advice documents: Equality Impact Assessment Form BEMH - 28.04.20 (003).docx

Signatures

Cheryl Barnard (Portfolio Holder- Children and Young People)
SIGNED and Dated: 09/06/2020

Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 08/06/2020