

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4067
Author:	Caroline Keenan
Department:	Children and Adults
Contact:	Caroline Keenan (Job Title: Insight Specialist - Public Health, Email: caroline.keenan@nottinghamcity.gov.uk, Phone: 65765)
Subject:	Knowledge, Evidence and Insight Service
Total Value:	£48,675.60 (Type: Revenue)
Decision Being Taken:	<p>a) Approve the spend of £16,225.20 per annum for a period of three years from November 2019 to October 2022 to contribute to Knowledge, Evidence and Insight Service provision for Nottingham City.</p> <p>b) Approve that the city's contribution to this service of £16,225.20 per annum for three years, is paid to Nottingham City Clinical Commissioning Group (CCG), who will fund the remainder of and commission the Nottingham City and Nottinghamshire County Knowledge, Evidence and Insight Service.</p>
Reasons for the Decision(s)	<p>The provision of a Knowledge, Evidence and Insight Service was fully funded by Nottingham City Council when Public Health transferred to local authorities under the Health and Social Care Act 2012. The service was funded as part of the Public Health grant provided to Strategy and Resources.</p> <p>A budget proposal was made by Strategy and Resources to reduce the service in April 2018 and retain one staff member. At this point the CCG agreed to fund the two remaining posts whilst a review was undertaken to consider alternative options for maintaining the service.</p> <p>A further budget proposal was made to remove all Strategy and Resources funding for the service from October 2019. From that point the post has been temporarily funded by Public Health, whilst partnership discussions concerning the future of the service have been ongoing.</p> <p>The CCG have made a financial commitment to partially fund the service on the basis that the city service becomes integrated with the wider county service. The intention is that this will enable the offer to be fit for purpose from an Integrated Care System perspective, whilst maintaining a bespoke service that will continue to serve the city. The CCG's financial commitment leaves a shortfall in funding of £16,225.20 per annum.</p>

Other Options Considered: The option to not contribute to the funding of the Knowledge, Evidence and Insight service has been rejected because this could ultimately lead to uncertainty around the viability of continued access to the function.

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 Director of Public Health is arguably entitled to consider without Nottingham City Council's position being affected simply by the consideration of those risks.

Documents exempt from publication: 2020-03-11 exempt legal obs.pdf

Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	Please login to the system to view the EIA document: Knowledge Evidence and Insight EIA v3.docx
Social Value Considerations:	N/A
Regard for NHS Constitution:	Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.
Relates to staffing:	Yes
Decision Type:	Officer
Executive Decision?	Yes
Scheme of Delegation Reference Number or Other Source of Delegation:	1
Subject to Call In:	No The call-in procedure does not apply to the decision because the value of the decision is below the call in threshold.
Advice Sought:	Legal, Finance, Procurement, Human Resources, Equality and Diversity
Legal Advice:	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Jonathan Ludford-Thomas (Senior Solicitor) on 11/03/2020. This advice was reviewed by Aman Patel (Solicitor) on 4 December 2020 who confirmed that it remained unchanged.

Finance Advice:

This decision seeks to provide approval for contribution towards Knowledge, Evidence and Insight Service for 3 years, as outlined in the brief.

The total costs of this proposal over the three years is: £48,675.60, each year being a contribution of £16,225.20

Within the current Public Health grant for 2020/21 there is provision to fund the costs of this £16,225.50 contribution, and this will remain the case in subsequent years, therefore the costs of this decision are funded through the Public Health grant without additional pressure to the Council. Advice provided by Graeme Black (Commercial Business Partner) on 19/11/2020.

Procurement Advice:

The decision to approve funding of £16,225.20 pa for a period of three years to Nottingham City Clinical Commissioning Group as a contribution towards provision of the Knowledge, Evidence and Insight service is supported by Procurement.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 20/11/2020.

This advice is exempt from publication and is contained within an exempt appendix.

**Knowledge, Evidence and Insight Service - Proposed TUPE Transfer
Human Resources Advice & Comments**

Since April 2013, local authority public health teams have provided what is known as the 'Core Offer' to CCGs. This includes: population health advice, information and expertise to support commissioning health services that improve population health and reduce inequalities and expert support for individual funding requests. Some responsibilities and duties are jointly held across Local Authorities and CCGs, such as the need to undertake Joint Strategic Needs Assessment and produce a Joint Health and Wellbeing Strategy for the populations served, as well as other joint commissioning arrangements. Support for local public health teams to undertake literature searches and to access resources (in addition to those provided through Public Health England) is needed to support these functions.

The Knowledge and Library services needed to support commissioners of health services across populations are highly specialised. The function requires insight into health care, primary and community care evidence, public health and health promotion evidence. The Nottingham City Council Knowledge, Evidence and Insight Service arises from its duty under the Regulations to provide a public health advice service to Clinical Commissioning Groups (CCG's) within the Nottingham City boundary. A Memorandum of Understanding relating the provision of advice would be in place with the CCG and as Librarians conduct 'research, training and literature reviews', the responsibility for provision of the advice remains with NCC as it is only the research, training and review element that is impacted by the proposals. Therefore NCC's duty under law (as referred to in the Legal comments) isn't at risk.

Sherwood Forest Hospital Trust (SFHT) currently provide this service for Nottinghamshire through a funding arrangement with Nottingham City Council which funds 1.6FTE. Nottingham City Council fund 0.6FTE through the Public Health Grant, which is set to continue. The proposal is to bring the two together formally to enable improved collaboration and service provision.

As this is a 'service provision change' this is deemed to be a relevant transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 of the Knowledge Evidence and Insight Service to Sherwood Forest Hospital Trust. In accordance with the Regulations there is a requirement for all parties to inform and consult on the proposals with individuals affected and the recognised Trade Unions and/or employee representatives. Nottingham City Council will provide all relevant staffing information to allow SFHT to consider measures and a transfer agreement would be in place, confirming the transfer of all liabilities to the Trust in accordance with the Regulations.

Those staff affected are currently in the NHS Pension Scheme as a result of a previous relevant transfer and it has been confirmed that there is no cost to NCC in terms of pension deficit.

Due Diligence information will be provided in advance by NCC to ensure that any measures can be identified by SFHT and that these can be communicated to those staff affected and consulted on appropriately and in accordance with the Regulations.

A Service Provision Agreement will be in place for 3 years. Any future changes to the service including any restructuring proposals would be the liability of the Trust.

Marie Read
HR Consultant
Ext 61401

Advice provided by Marie Read (HR Consultant (Departmental)) on 05/11/2020.

**Equality and Diversity
Advice:**

This advice is exempt from publication and is contained within an exempt appendix

There is no impact to any of the protected characteristics. Happy to sign off.

Advice provided by Rosie Donovan (Equality and Employability Consultant) on 30/07/2020. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 04/12/2020.

Signatures:

Alison Challenger (Director of Public Health)

SIGNED and Dated: 09/12/2020