

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4308
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Department:	People
Contact:	Sophie Rowlands (Job Title: Quality Assurance and Workforce Compliance Officer, Email: sophie.rowlands@nottinghamcity.gov.uk, Phone: 0115 8765535)
Subject:	Creation of Service Manager (LPS) post within Adult Social Care
Total Value:	£62,079 (Type: Revenue)
Decision Being Taken:	(1) To establish and recruit to 1.0 FTE permanent Service Manager - Liberty Protection Safeguards within Adult Social Care (Non-Executive Officer decision) (2) To agree funding for the above post (Portfolio Holder decision)

Reasons for the Decision(s)

In July 2018, the government published a Mental Capacity (Amendment) Bill, which passed into law in May 2019. It replaces the Deprivation of Liberty Safeguards (DoLS) with a scheme known as the Liberty Protection Safeguards (although the term is not used in the Bill itself). (www.scie.org.uk).

The target date of implementation is April 2022, and this will have far reaching effects on the way that Adult Social Care colleagues assess Mental Capacity. One of the main outcomes is that a lot of work previously undertaken by BIAs in the DoLS team will now pass to case holding Social Workers across the department, and place more responsibility on them to complete these assessments and liaison with the Court of Protection.

As a result, there is a significant amount of work that needs to be done to ensure that the department is ready to undertake this work in line with the new LPS legislation. This includes (but is not limited to):

- Liaison with all individual team managers to assess how the new legislation will impact their teams**
- Assessing the current establishment of social workers as colleagues working in non-registered posts are unlikely to be able to undertake the full extent of this work**
- Planning & establishing any necessary additional social work posts**
- Planning and delivery of a bespoke training plan for all workers, to ensure that they are compliant and competent with the new requirements**
- Partnership working and planning with all relevant external agencies, such as the Court of Protection, Health, care providers, independent BIAs and MH assessors and their agencies**
- Developing and implementing medium and long term plans for intensive support in the first few months of implementation, as well as refresher training and quality assurance in the long term to ensure continued compliance and high standards of work in the context of LPS.**

The post holder will also lead on developing and delivering prevention strategies to reduce admissions to restrictive settings, in line with the department's Better Lives Better Outcomes strategy.

Members of SLT do not have capacity to take on this additional work as well as their current responsibilities, and recent workforce planning and data gathering has revealed a stark contrast in Service Manager capacity within Adult Social Care to other services across the Council (e.g. 3.0 FTE in ASC compared to 17.0 FTE within Children's Integrated Services) This places increased pressure on SLT to deliver outcomes and savings required as part of the Council's Transformation Plan.

The proposed role will also formally deputise for the Head of Service and will work across the Adult Assessment Services to maintain high standards and drive positive outcomes for all citizens requiring assessment and support under the duties of the Care Act (2014) known to the service; they will form an integral part of SLT and line manage teams across the department.

The JDPS for the role has been written in line with other Service Manager JDPSs across the department, and is currently being evaluated by Job Evaluation (indicative K). The post will be recruited to in line with the Safer Recruitment Policy and Procedures for NCC

Other Options Considered:

Do nothing - not favoured. LPS is due to be implemented in April 2022 and significant work needs to be done to ensure a smooth implementation and maintaining of the legislation within the department. Allocate work to existing Service Managers and Heads of Service - not favoured. SLT do not have the capacity to implement this piece of work as required for the department, which leaves the department open to potential non-compliance. Establish Service Manager post to lead on implementation and continuous monitoring and quality assurance of the legislation and its application - preferred option. Please see background to the decision below.

Background Papers:

Published Works:

Affected Wards:

Citywide

Colleague / Councillor Interests:

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Not applicable

Equality:

EIA not required. Reasons: Establishing a new post within the existing structure does not require an EIA, as there are no current colleagues directly affected by the decision.

Relates to staffing:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

05/08/2021

Advice Sought:

Legal, Finance, Human Resources

Legal Advice:

In so far as the non-executive decision to create the post is concerned, if this proposal is accepted then in accordance with section 7 of the Local Government and Housing Act 1989, the appointment should be made on merit. In addition, with regards to any potential equal pay issues, the pay relating to the proposed new post should be assessed in accordance with Nottingham City Council's pay policy. The decision to release funding for the proposed new post is an executive decision and is for the relevant Portfolio Holder. Advice provided by Aman Patel (Solicitor) on 25 June 2021. Advice provided by Aman Patel (Solicitor) on 25/06/2021.

Finance Advice:

As outlined by the report author, due to the The Mental Capacity (Amendment) Bill gaining royal assent on May 16th 2019, and the requirement for this legislative change to be implemented operationally on April 1st 2022, there are a number of posts that need to be recruited to across ASC in order to deliver this significant change in law which requires a shift in the professional skill mix across the Department.

This decision seeks approval to recruit 1fte Service Manager post (Grade K) on a permanent basis.

The total cost of this decision is £62,079 per annum, based on draft 2021/22 pay scales at the bottom of the grade, including on costs and assuming no pay award.

A provision was made for the LPS implementation costs in 2019/20 and this decision will be funded in full from this funding for a period of 12 months, after this point, due to the urgent requirement for this post, a number of budgets will be realigned to fund this post across the service on a permanent basis and ensuring that no financial pressure arises.

If this decision is approved, the additional cost will be captured within the 2021/22 Period 3 forecast position and within the MTFS assumptions for 2022/23+.

Staffing budgets must continue to be robustly monitored by the service, ensuring that costs are contained within the available budget, as incorporated within the Council's MTFP. Advice provided by Chanelle Poyser (Commercial Business Partner) on 29/06/2021.

HR Advice:

The Liberty Protection Safeguards (LPS) will become law in April 2022, replacing the Deprivation of Liberty Safeguards (DoLS), and are a statutory function for local authorities. The new legislation places additional responsibilities on local authorities with regards to avoiding placing people in restrictive care.

The new post is required to undertake the preparation for the new service ahead of the implementation in April 2022, for which the current management team in Adult Social Care does not have the capacity. The postholder will report to the Head of Quality Assurance and Safeguarding, and will initially manage the LPS project team and then the new team, once operational.

The job description is currently awaiting grade confirmation from the job evaluation team, but is anticipated to be graded at K as it is likely to manage two J graded team leaders. Recruitment for the service manager cannot commence until the grade and funding is confirmed and the post established on Oracle.

Recruitment should follow the current protocols, with consideration for the current vacancy freeze. A business case for recruitment is required, with the support of the relevant director, and all requests should be submitted through the recruitment portal. The post will be considered for redeployment. The service should ensure that their process is supportive of the Council's Equality, Diversity and Inclusion (EDI) agenda and make every effort to attract a representative pool of applicants where recruitment externally.

Management should be aware that the selected candidate 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 currently on level two of the same grade, in which case the employee would be matched over at the rate of pay they currently receive.

It is expected that the new team will require re-aligned resources from existing teams, but this will be determined during the set-up period. The impact on management responsibilities for other posts may need to be reviewed through job evaluation, where significant changes occur, and through appropriate HR processes.

The team will require Approved Mental Capacity Professionals (AMCPs) and this will require upskilling of the current Best Interest Assessors (BIAs). Both require registered social workers so this is not anticipated to present an issue. The upskilling is part of Adult Social Care's workforce strategy, looking at a sustainable progression model for social workers. There may be the requirement for further AMCPs, but approval will be sought for this through a further staffing DDM, as required. Advice provided by Carol McCrone (HR Consultant) on 23/06/2021.

Signatures

Adele Williams (Portfolio Holder for Adults and Health)
SIGNED and Dated: 29/07/2021
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 19/07/2021