

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4309

Author:

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Department:

Finance and Resources

Contact:

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Subject:

Lead Commissioning Officer Post (Temporary) - Transforming Care Partnership

Total Value:

Up to £137,957.50 (Type: Revenue)

Decision Being Taken:

1. To approve the receipt of up to £137,957 (comprising an initial sum of £31,151 for Q3 & Q4 2021/22, and £53,403 for 2022/23 and again for 2023/24) from NHS Nottingham and Nottinghamshire Clinical Commissioning Group for the purpose of appointing a Lead Commissioning Officer on a temporary basis to support the delivery of the Transforming Care Partnership in Nottingham City (Portfolio Holder decision)
2. To approve the initial spend of £31,151 for the provision of this post in Q3 & Q4 2021/22 and further spend of £53,403 in 2022/23 and again in 2023/24 subject to the transfer of funding from Nottingham and Nottinghamshire Clinical Commissioning Group in each year respectively (Portfolio Holder decision)
3. To approve the creation of this post on a temporary basis from 1st September 2021 for an initial term of 6 months with the provision to extend for up to two further years from 1st April 2022 (non- executive officer decision)

Reasons for the Decision(s)

The Transforming Care programme is NHS England's plan to ensure that people with a learning disability or autism do not have to remain in a hospital setting when their behaviours cause concern. The programme (established following the exposure of abuse within the Winterbourne View hospital) aims to help more people who have a learning disability and / or autism to be discharged from hospital and live with the right support in the community.

In June 2015, Nottinghamshire became one of six 'fast track' sites nationally to establish a local partnership and produce a plan to transform community based services and reduce reliance on inpatient care. The Nottinghamshire Transforming Care Partnership (TCP) includes Nottingham City Council, Nottinghamshire County Council and the Clinical Commissioning Groups who along with NHS England are responsible for commissioning health and care services for people in the area.

The Nottingham and Nottinghamshire TCP has been successful in securing funding from NHS England to strengthen the local delivery of the programme over a 3 year 'roadmap' from 2021/22 to the end of 2023/24. This funding includes provision for additional commissioning capacity within Nottingham City Council (and separately within Nottinghamshire County Council - not within the scope of this decision) to help establish more appropriate accommodation and support options for people in the community.

It is proposed to appoint to this post through open advert (N.B. also open to applications from existing NCC staff) in order to introduce additional staffing capacity into the Strategic Commissioning and Market Development Team (i.e. to avoid diverting staffing from other NCC commissioning priorities).

Other Options Considered:

To not accept the funding and not proceed with the recruitment of a post to support the delivery of commissioning requirements of the Transforming Care Programme (TCP) within the Council. This would limit the ability of the Transforming Care Partnership in Nottingham to meet the planned trajectory for the programme and leave more people living in a secure / more restrictive inpatient environment rather than in the community. This is likely to result in a failure to deliver an improved quality of life for these citizens as well as failure to meet local targets for the TCP agreed with NHS England.

In addition, activity to support the delivery of the Transforming Care Programme would need to continue to be met in full through the existing staffing within the Commissioning and Market Development Team. This has an implication in terms of both the capacity to support the delivery of the programme and also to deliver other priorities currently managed within the team. The creation of dedicated capacity within the team to support the programme is likely to realise benefits in terms of both the suitability of placements created within the community and also value for money achieved in securing them for citizens.

Background Papers:

Published Works:

Affected Wards: Citywide

Colleague / Councillor Interests:

Any Information Exempt from publication: Yes

Exempt Information:

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 signatories 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 advice 20.07.2021.pdf

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

There are no crime and disorder implications directly related to the creation of this post.

Equality:

EIA not required. Reasons: The creation of this post will support the existing plans developed by the Transforming Care Partnership.

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: This advice is exempt from publication and is contained within an exempt appendix Advice provided by Aman Patel (Solicitor) on 20/07/2021.

Finance Advice:

This decision seeks to approve the receipt of up to £0.138m of funding from NHS Nottingham and Nottinghamshire Clinical Commissioning Group over 3 financial years and approval to spend on appointing a Lead Commissioning Officer on a temporary basis to support the delivery of the Transforming Care Partnership in Nottingham City.

The funding due to be received is linked to a 3 year programme where funding is agreed and released annually. The expected profiling of funding towards the post is £0.031m in 2021/22, £0.053m in 2022/23 and £0.053m again in 2023/24. Due to the funding being released annually there is a risk, albeit low, that funding in 22/23 and 23/24 will not be allocated to NCC. To manage this risk, this decision also seeks approval to create the Lead Commissioning Officer on an initial temporary 6 month basis from 1st September 2021 with the provision to extend for up to two further years from 1st April 2022. Only when further funding is announced and committed should the post be extended.

As this post is potentially for over 2 years, redundancy entitlement due to continuous service of the post holder is a financial risk. The service should mitigate this by seeking opportunities internally at the end of the fixed term. Should any redundancy costs materialise, the service will need to fund them from within its existing budget provision at the appropriate time, ensuring no finance pressure or overspend occurs.

The service should spend the funding in accordance with any terms & conditions.
Advice provided by Philip Gretton (Finance Analyst) on 20/07/2021.

HR Advice:

The creation of this post is supported. Through conversation with the report Author the funding is linked to a 3 year programme and monies are released annually. As this is part way through year, the funding for the initial term of the post is limited to 6 months. It is more likely than not that this funding will continue and the manager has been advised to reference this point appropriately in the advert to ensure attraction from the widest pool of diverse candidates.

As this is a fixed term contract management will need to consider the exit strategy at the end of the fixed term period if the contract is not extended as well as the longer term implications brought about by continuous funding as the programme allows for. Where there is a further release of funding, taking the post-holder above 2 years continuous service through extension of the fixed term, the potential for statutory redundancy costs should be allowed for, particularly if the post-holder has pre-existing continuous service in Local Government or an organisation covered by the Redundancy Protection Modification Order (RMPO).

Marie Read, Senior HR Consultant

This post already exists within the structure, and therefore does not require further Job Evaluation.

Advice provided by Marie Read (HR Consultant (Departmental)) on 16/07/2021.

Signatures

Adele Williams (Portfolio Holder for Adults and Health)
SIGNED and Dated: 29/07/2021
Clive Heaphy (Corporate Director for Finance & Resources)
SIGNED and Dated: 27/07/2021