

Executive Board
20 September 2022

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| Subject: | Additional Resources for the Adult Social Care Reforms Programme |
| Corporate Director(s)/Director(s): | Catherine Underwood, Corporate Director for People Sara Storey, Director for Adult Health and Social Care |
| Portfolio Holder(s): | Councillor Linda Woodings, Portfolio Holder for Health and Adult Social Care |
| Report author and contact details: | Helen Carlin, Programme Manager – Adult Social Care helen.carlin@nottinghamcity.gov.uk |
| Other colleagues who have provided input: | |
| Subject to call-in: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Key Decision: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Criteria for Key Decision: | |
| (a) <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision | |
| and/or | |
| (b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Type of expenditure: <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital | |
| Total value of the decision: £1,647,000 | |
| Wards affected: All | |
| Date of consultation with Portfolio Holder(s): 24 August 2022 | |
| Relevant Council Plan Key Outcome: | |
| Clean and Connected Communities | <input type="checkbox"/> |
| Keeping Nottingham Working | <input type="checkbox"/> |
| Carbon Neutral by 2028 | <input type="checkbox"/> |
| Safer Nottingham | <input type="checkbox"/> |
| Child-Friendly Nottingham | <input type="checkbox"/> |
| Healthy and Inclusive | <input checked="" type="checkbox"/> |
| Keeping Nottingham Moving | <input type="checkbox"/> |
| Improve the City Centre | <input type="checkbox"/> |
| Better Housing | <input type="checkbox"/> |
| Financial Stability | <input type="checkbox"/> |
| Serving People Well | <input checked="" type="checkbox"/> |

Summary of issues (including benefits to citizens/service users):

Major national reform of Adult Social Care (ASC) has been passed into law and over the next 18 months local authorities are required to implement a series of significant changes in how they meet their responsibilities under the Care Act. Without considerable additional resources, it will not be possible to implement this programme alongside the existing ASC transformation programme. The Council would therefore be at risk of not meeting statutory duties.

Work has been undertaken to scope the resource requirements both within ASC and the Council's Support Services, which total £1,647,000. Proposed allocations of funding to support preparation and implementation have been released by the Department for Health and Social Care (DHSC) for consultation, however, amounts have not yet been confirmed. In consultation with the Section 151 Officer, it is proposed that the current ASC underspend (forecast as £2,284,000) be used for this purpose in-year. The costs for 2023 onwards will be considered in budget planning.

Does this report contain any information that is exempt from publication?

No

Recommendation(s):

1. To note the significant programme of work that the Council is required to undertake to implement the required Adult Social Care Reforms.
2. To approve the one-off funding of £1,647,000 for the temporary staffing resources required to scope, plan and implement this programme of work (the creation of the new posts will be subject to a separate, non-executive staffing decision).

1. Reasons for recommendations

- 1.1 Initial scoping work for the reforms projects has been carried out by the Adults Leadership team with the Programme Delivery Lead for the transformation programme. Advice from both the DHSC and the Association for Directors of Adult Social Services (ADASS) has also been taken into account and it is anticipated that the following resources will be required to scope, plan and implement this programme of work:

| Project | Lead Officer | Resources required | Grade | Funding Source | No. months | Cost |
|---------------------------------|---|---|--------|----------------|------------|-------------------|
| Liberty Protection Safeguards | Julie Stevens, Service Manager & Principal Social Worker | 1 FTE Project Manager | H | LPS Funding | 12 | £47,119 |
| | | 1 FTE Practice Development Officer | I | LPS Funding | 24 | £108,890 |
| Inspection & Assurance | Julie Sanderson, Head of Adult Safeguarding & Quality Assurance | 0.5 FTE Project Manager | H | | 12 | £23,559 |
| | | 0.4 FTE Business Analyst | G | | 12 | £17,450 |
| Implementation of Care Cap | Oliver Bolam, Head of Mental Health & Whole Life Disability | 1 FTE Project Manager | H | | 18 | £70,679 |
| | | 0.6 FTE Business Analyst | G | | 18 | £39,263 |
| All Care Reform projects | | 1 FTE Head of Service- Business Development, Strategy & Performance | SLMG 3 | | 24 | £179,664 |
| | | 1 FTE Programme Lead | I | | 18 | £81,668 |
| | | 1 FTE Principal Analyst | H | | 24 | £94,238 |
| | | 2 FTE Data Analyst | F | | 24 | £143,784 |
| | | 1 FTE Finance Lead | H | | 18 | £70,679 |
| | | 1 FTE System Config Analyst | G | | 24 | £65,439 |
| | | 1 FTE IT Lead | H | | 18 | £70,679 |
| | | 1 FTE Communications & Stakeholder Engagement Officer | H | | 18 | £70,679 |
| | | 1 FTE Policy Officer | H | | 18 | £70,679 |
| | | 2 FTE Commissioning Managers | I | | 24 | £217,780 |
| | | 2 FTE Commissioning Officers | H | | 24 | £188,476 |
| | | 1 FTE Programme Support Officer | F | | 18 | £53,919 |
| 2 FTE HR & Development Officers | H | | 24 | £188,476 | | |
| Total Cost | | | | | | £1,647,108 |

- 1.2 The programme will be managed alongside the existing ASC transformation programme due to the interdependencies, and sequential nature of some of the actions required. However, the department does not have sufficient resources for the project management, business analysis and systems development work which will be needed for this programme. There will also be a need for support from other departments including Finance, Legal, Commissioning, and Analysis and Insight. In addition to the posts identified above, the on-going additional social work assessment and financial assessment resource required, as well as costs for system development will need to be scoped as part of the programme.
- 1.3 There is currently consultation in train regarding some national funding for local authorities for this preparatory and implementation work. Whilst this is concluded and any allocations are clarified, the Council needs to progress with preparation for reforms by moving forwards to resource the capacity.
- 1.4 The posts outlined above represent a significant investment in terms of resources, but it is essential that these projects are managed with the same governance, rigour and control as the existing transformation programme, hence the identification of an additional Head of Service, Programme Manager, Project Manager and Finance Lead posts to ensure that the changes are implemented successfully. Without these posts, it is not possible to fully understand and scope the scale of the work required or to understand the long term impact and associated costs.

1.5 There will be a need for comprehensive data analysis as well as substantial systems development work. There is not sufficient capacity within the Analysis and Insight team to support this which is why these additional business analysis, IT and systems development posts have been included. It is essential for both internal and external stakeholders to be engaged with the changes and for citizens to be informed so a Stakeholder Engagement post has been included. Training and development regarding the reforms will also be required for all staff within the department so additional Human Resources and Development Officers are included to support the existing Workforce Development and Training team.

2. Background

2.1 This is a substantial programme of national reforms for ASC to implement over the next 18 months and includes:

- Fair Cost of Care exercise;
- Implementation of the Care Cap;
- Care Quality Commission Inspection and Assurance Framework; and
- Implementation of Liberty Protection Safeguards.

2.2 This is an unprecedented scale of policy change within ASC and there is concern from Directors for Adult Social Services across the country about the extremely challenging timescales. ADASS is actively representing this to Government, but there is no currently indication of any change to the timescales. In Nottingham, these national reforms are in addition to the very substantial ASC transformation programme already underway.

2.3 A high level draft project plan has been developed. In summary, the work required to implement the reforms and to manage this in the context of on-going workforce and capacity demands is outlined below:

- Develop a comprehensive communication and engagement plan for residents.
- Continue to promote independence and maximise effective and appropriate use of community support. The new system is likely to increase levels of demand for assessment, however, if this initial contact can be positioned as an 'opportunity for prevention' this may help to mitigate the increased demands.
- Continue to increase the productivity of the social care and associated workforce, including exploring the role of digital and technology. This includes the use for example of online self-assessments for both finance and care assessments.
- Develop a tailored approach to means testing, assessments, and case management.
- Engage with colleagues in IT and Digital and software system owners/providers to ensure right systems will be in place. Administering personal care accounts will require systems development, both to develop the capability initially, and to maintain it. On-boarding new system modules will require associated development and training as well as communication and support to citizens.
- Ensure there are detailed plans to address the lack of homecare capacity, risks relating to this issue will impact on overall demand and influence market costing and support work.

- Continue to develop an open, two-way dialogue with care providers, specifically regarding the fair cost of care.
- Develop plans to work in partnership with provider to mitigate assessment and review pressures, e.g., consider trusted reviewer models.
- Engage system partners, through Integrated Care Systems, to ensure the impact of the reforms is fully understood and to build local support. These reforms will also introduce a cost to the NHS through increased spend on continuing healthcare, but may also reduce flow through the system with more residents receiving a social care and financial assessment. This will impact on system escalation.
- Support effective resourcing of implementation.
- Progress impact assessments and modelling of financial impact at pace, to align with Medium-Term Financial Plan planning timescales.
- Align the ASC workforce development and OD strategy to ensure new development needs are incorporated.
- Commission/deliver or develop new training programmes for the reforms.
- Ensure the Recruitment and Retention strategies are evaluated and progressed at pace to promote the best chance of having sufficient workforce capacity requirements
- Develop the new performance framework to take account of transformation, corporate requirements, and new sector requirements.
- Implement action plan following annual conversation.
- Implement action plan following finance peer review.
- Implement action plan following peer review (outcomes for people with learning disabilities).
- Develop a new quality assurance process including case file audits.

3. Other options considered in making recommendations

- 3.1 Not to recruit additional posts for this programme of work: this option is rejected as, due to the scale of reforms. The DHSC has advised that all local authorities create programme structure and governance including Communications, Finance, Heads of Service, Commissioning, Brokerage, Financial Assessment Team, Data and Reporting and System Development ahead of implementing these reforms. The resources requested are in line with this, as well as the approach being taken by other local authorities that have already commenced recruitment. Lessons learned from the implementation of the Care Act 2014 support the need for appropriate resources to ensure the successful implementation of new legislative requirements alongside the existing transformation programme.

4. Consideration of Risk

- 4.1 Statutory Requirements: without the additional resources requested to support the implementation of the ASC reforms, the Council is at risk of not meeting statutory requirements.
- 4.2 Reputational: implementation of the social care reforms will be a key line of enquiry in the new ASC assurance and inspection regime. There is a significant reputational risk associated with a poor inspection outcome.

5. Finance colleague comments

- 5.1 The total non-recurrent cost of this decision is £1,647,000. The expenditure associated with this report will spread across financial years 2022/23 to 2024/25 inclusive, based on the duration of the temporary posts identified in table 1 in section 1.1 of this report. Of the £1,647,000 total decision value, £156,000 relating to the Liberty Protection Safeguards (LPS) project will be funded by existing earmarked one-off funding for LPS.
- 5.2 As there is no existing budget provision incorporated within ASC for the anticipated additional temporary spend related to ASC reform work, it has been agreed by the Section 151 Officer that the remaining £1,491,000 cost of this decision will be met from the in year 2022/23 ASC forecast underspend – £2,284,000 forecast underspend at Period 4, excluding the in-year financial impact of this decision. It is to be noted that this will result in a material reduction to the 2022/23 ASC forecast underspend.
- 5.3 As the profile of expenditure will spread financial years, approval will need to be sought to transfer the remaining funding (expenditure approved via this decision not incurred in 2022/23) into a reserve to be drawn down in future financial years, ensuring no financial pressure arises as a result of this decision.
- 5.4 The Council has already received £1,046,000 one-off funding in 2022/23 in relation to the Fair Cost of Care, of which 75% must be passported to providers with the remainder to support preparatory work which has already been committed so cannot support the cost of this decision.
- 5.5 One-off funding of £98,000 has been announced for 2022/23, although not yet received, to support the implementation of charging reform in 2022/23. This initial tranche of implementation support funding is intended to support local authorities to begin planning and preparations for charging reform. This is primarily to support local authorities undertake recruitment activities for assessment staff and ensure that they have dedicated internal resource to prepare to upgrade local IT systems to include care account functionality. This funding could be utilised to fund an element of this decision in 2022/23 only where appropriate, however, further formal approval would be required.
- 5.6 A consultation has been launched by DHSC on allocations of funding for 2023/24. This indicates a possible allocation of funding for over 65s means test and care cap and additional assessment costs of £1,254,000. For under 65s, there are 3 proposed methods of resource allocation, for Nottingham this ranges from an allocation of £601,000 to £1,082,000. For implementation costs and additional assessments, the allocation proposal ranges from £807,000 to £969,000. This allocation, if confirmed, may therefore cover the project resource costs outlined in this request in part or in full for the next financial year. Future years' market sustainability fund allocations (which would support the fair costs of care costs) have not yet been announced or discussed. Funding allocations for all elements of the ASC reform programme are unknown at this stage beyond 2023/24.

- 5.7 Depending on the announcements regarding further funding as highlighted above, the amount to be transferred to the reserve to be used in future years could be significantly less than currently anticipated, this would then result in a favourable movement in the in year 2022/23 forecast position for ASC. If the funding is not known as at 2022/23 financial closedown and the full value is transferred to the reserve, a further decision would need be made re how this funding can be utilised/released in future years.
- 5.8 Work is underway to model the financial implications of the ASC reform programme as far as possible, recognising the wide-ranging risks, sensitivities and unknowns at this current time, especially in relation to the recurrent funding requirement. This is a significant financial risk and further updates should be provided as and when possible.
- 5.9 It is essential that robust budget monitoring is undertaken by the service to ensure costs are monitored against any decision approved ensuring that no financial pressure arises as a result of this decision. Any changes to this decision would require further approval via the appropriate approval process.
- 5.10 Management should consider exit costs associated with the recruitment to temporary posts. Any costs that materialise would need to be met from the service ensuring that no financial pressure arises as a result of this decision.

Comments provided by Hayley Mason, Strategic Finance Business Partner, on 29 August 2022.

6. Legal colleague comments

- 6.1 Additional resources for ASC reforms (as set out by the report author in the main body of the report) are needed in order for the Council to meet its statutory duties under social care legislation.

Comments provided by Sarah O'Bradaigh, Senior Solicitor, on 24 August 2022.

7. Human Resources (HR) comments

- 7.1 Management is proposing to create additional temporary posts to support the implementation of the ASC reforms. This decision requests the funding for the additional resources in order to manage the workload as part of the ASC reforms.
- 7.2 The new structure briefly outlined in this report should be DMA (Decision Making Accountability) compliant. Consideration will need to be given to the appropriate line management of some of the roles outlined, and if these are not embedded within the corporate centre, a dotted line back to the corporate centre is advised. A further exploratory conversation with HR is required to provide assurance of DMA compliance.
- 7.3 The report proposes to create an additional Head of Service in Adult Health and Social Care to lead the reforms work and provide additional leadership capacity for the additional resource. This post creation could create risk across the organisation,

due to other Divisions favouring a non-SLMG post undertaking business development, strategy and performance. This role will be subjected to the job evaluation process before this post is agreed, which will mitigate the corporate risk for regrading claims.

- 7.4 Management will need to ensure the ASC reforms work and additional capacity is discussed with Trade Union colleagues, and all other posts follow the Council's policy for job evaluation and recruitment. This has already commenced.
- 7.5 A resourcing plan should be developed, and it is expected at this stage there will be a mixed approach to recruitment. Given that this is national work and it will impact other local authorities, attracting candidates could be more challenging so the Council may need to engage a sourcing partner to help with advertising to the widest candidate pool, including advertising opportunities to protected groups defined by the Equality Act 2010. Redeployment should be considered in the first instance for all posts and there are likely to be a mixture of internal secondments and external recruitment on a fixed-term basis. Any recruitment will adhere to the recruitment policy and associated procedures.
- 7.6 Exist costs should be considered as part of the Finance comments in this decision if employees have more than two years' service by the end of the fixed-term contracts, or if the contracts are extended for a particular business reason. A HR process may need to be undertaken at this stage and advice will need to be sought.

Comments provided by Rachael Morris, HR Business Lead – People, on 25 August 2022.

8. Equality Impact Assessment (EIA)

- 8.1 An EIA is not required because the report does not set out proposals for a new or changing policy, service or function.

9. Data Protection Impact Assessment (DPIA)

- 9.1 A DPIA is not required because the proposals relate to the recruitment of additional resources. All new staff would be required to complete mandatory data protection and information security training.

10. Carbon Impact Assessment (CIA)

- 10.1 A CIA is not required because the proposals set out in the report do not have a carbon impact.

11. List of background papers relied upon in writing this report

- 11.1 None.

12. Published documents referred to in this report

- 12.1 None.