

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3234
Author:	Jake Jacobs
Department:	Children and Adults
Contact:	Alison Michalska (Job Title: Corporate Director for Children and Adults, Email: alison.michalska@nottinghamcity.gov.uk, Phone: 01158763332)
Subject:	Transfer of Direct Payment Officers from Nottingham Revenue and Benefits to ASC Direct Payments Team
Total Value:	£59,136 per annum (Type: Revenue)
Decision Being Taken:	1) approval to transfer £4,928 per month (annual value of £59,136) from the budget for the Northgate Public Services Limited Revenue and Benefits Contract to Adult Social Care. 2) authorise the omission of the direct payments services from the contract with Northgate Public Services by issuing a contract change notice. 3) Movement of Direct Payment Officers from Nottingham Revenue and Benefits (Northgate Public Services) to Adult Social Care

Reasons for the Decision(s)

The decision will facilitate the transfer of the Direct Payments Officers from Northgate to the City Council in accordance with the contract change provisions set out in the contract with Northgate. The transfer of the employees to the City Council will enable a more efficient service for Adult Social Care and provide a more person centred service for citizens which is in line with putting citizens at the heart of our services.

The overall progression for the department is to have an Adults/Children Direct Personalisation Hub, as part of the Whole Life Disability Programme, and will provide a whole service for citizens receiving Direct Payments.

The first part of this development was to create the ASC Direct Payments Team to investigate and address Direct Payment (DP) issues such as management of DPs, monitoring, Citizen's Financial Contribution etc and working alongside Direct Payments Finance Team which was originally within Adult Social Care but moved to Nottingham Revenue and Benefits as part of the Northgate contract.

Following on from the success of the ASC DP Team, Support Brokers transferred from Assessment Teams to provide a specialised support planning function for those people wishing to receive Direct Payments. Since February 2017 Children's Disability Services moved to Adult Social Care as part of the Whole Life Disability Programme and along with it the Children's personal budget service. From October 2017 it is planned to provide further Direct Payment functions which will require a seamless service that will require the whole DP functions to be in one Hub.

As part of integrated working with Nottingham CCG the City Council provides a payments function for those on Personal Health Budgets for Children and now Adults the transfer of DPOs to Adult Social Care will provide a more efficient service as this develops further.

In order to progress the Personalisation Hub the Direct Payments Finance function will transfer from NRB to Adult Social Care and work alongside the existing ASC Direct Payments Team.

There are no changes to the existing job descriptions relating to this transfer and this is a simple transfer to a service that will make more efficient use of the Direct Payment Officers within a specific service geared to provide the necessary support for citizens.

Other Options Considered:

The overall progression for the department is to have an Adults/Children Personalisation Hub, as part of the Whole Life Disability Programme, and will provide a whole service for citizens receiving Direct Payments.

Do nothing: This will not enable a seamless service to citizens as part of the Direct Payments Hub.

Background Papers:

None

Published Works:

None

Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	There are no crime and disorder implications as part of this decision.
Equality:	EIA not required. Reasons: As this is a straightforward transfer with no changes to existing practice, job requirements, policy changes or functions there will be no greater impact on Equalities.
Relates to staffing:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	No The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.
	Person Consulted: none
	Consultation Date: 11/06/2018
	This decision form has been completed retrospectively and therefore is not subject to call-in.
Advice Sought:	Legal, Finance, Human Resources

Employment-related advice

- 1. On the date when NCC takes on responsibility for the transferring function, any employees who are assigned to an organised grouping of employees of NRB that carries out those functions will transfer to NCC by operation of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE').**
- 2. Where employees are to be transferred from one employer to another under TUPE, both the transferor (NRB) and the transferee (NCC) must (long enough before the transfer to enable relevant consultation):**
 - a. Inform appropriate representatives of any of their own employees affected by the transfer of the fact and date of the transfer, the legal, economic and social consequences of the transfer and any measures that the employer envisages that they will take. Also, the transferor (NRB) is required to inform appropriate representatives of any envisaged measures of the transferee (NCC); and**
 - b. The transferor (NRB) and transferee (NCC) are obliged to consult appropriate representatives of any of their own respective employees who may be affected either by the transfer or by measures taken in connection with the transfer. The obligation to consult (rather than just give information) only arises if the employer, whether transferor or transferee, intends to "take measures" in relation to those who are its own employees before the transfer.**
 - c. The transferee (NCC) will also be required to provide sufficient information to the transferor (NRB) to enable NRB to inform appropriate representatives of the transferring employees about envisaged measures to be taken by the transferee (NCC) (as referred to at 2(a) above).**
- 3. The transferring employees will have ongoing automatic access to the Local Government Pension Scheme. It is recommended that immediate advice is sought from the Nottingham City Council Pensions Team regarding the practical and financial implications in relation to any transfer of accrued benefits of transferring employees.**

Contractual/Other Legal Advice

- 4. The legal process which will lead to staff transferring from NRB to NCC is initiated by NCC issuing a contract change notice to Northgate Public Services Limited ('Northgate') in accordance with the terms of the contract. The change notice will state that the direct payment services are to be omitted from the contract. Northgate should respond to the change notice setting out the cost implications of the proposed change together with confirmation that employees will transfer to NCC. Northgate will obtain this information after it has followed the same process under the sub-contract between Northgate and NRB.**

Advice provided by Andrew James (Team Leader Contracts and Commercial) on 26/02/2018.

Finance Advice:

This decision seeks approval to transfer resources for the Direct Payments service from NRB within the Strategy and Resources Department to Adult Social Care as agreed in change control notice CCN037 which proposed to omit this function from the contract.

The total cost of this decision is £59,136 per annum, or £4,928 per month.

Value for money will be secured through the transfer of employees to the City Council by enabling a more efficient service for Adult Social Care and providing a more person centred service for citizens. This is in line with the core focus of our organisation by putting citizens at the heart of our services.

Advice provided by Hayley Mason (Strategic Finance Business Partner) on 17/05/2018.

HR Advice:

TUPE will apply to the transfer of the service from NRB to NCC. An information and consultation process, in accordance with the current TUPE regulation, should take place with Trade Unions and affected employees, and NCC should work with NRB to achieve this. Affected staff from NRB would have the protection to transfer over to NCC on their existing terms and conditions and their continuity of service preserved.

Advice provided by Mandy Marshall (Service Redesign Consultant) on 13/02/2018.

Signatures

Graham Chapman (PH for Finance, Resources and Commercial Services)
SIGNED and Dated: 13/08/2018
Candida Brudenell (Corporate Director for Strategy and Resources)
SIGNED and Dated: 10/08/2018