

11 January 2016**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR, ADULT SOCIAL CARE, HEALTH AND
PUBLIC PROTECTION****ADULT SOCIAL CARE AND HEALTH – OVERVIEW OF CURRENT
DEVELOPMENTS****Purpose of the Report**

1. The report updates the Committee on a number of developments and activities that have been, and are, taking place across the department.
2. The report also seeks approval to recruit:
 - a 1 FTE temporary Team Manager for an initial period of six months to cover the Gedling older adults Team Manager post, to allow this role to oversee Countywide recruitment (at a cost of £26,430 to be funded from the Care Act funding)
 - a 1 FTE Business Support Officer for an initial period of six months to cover the release of a post to support the Countywide recruitment work (at a cost of £11,210 to be funded from the Care Act funding).

Information and Advice

3. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972, this covers information relating to the financial or business affairs of any particular person (including the Council). Having regard to all the circumstances, on balance, the public interest in disclosing the information does not outweigh the reason for exemption because of the risk to the Council's commercial position disclosure is likely to pose. The exempt information is set out in the Exempt Appendix.
4. This report covers: an update on the work of the Commissioning and Market Management Delivery Group, and a change to the name of the Market Development and Care Standards Team; an update on the current situation with Deprivation of Liberty Safeguards assessments; and a request for approval for temporary posts to support Countywide recruitment of assessment and care management staff.

Commissioning and Market Management Delivery Group Update

5. This delivery group has recently been reconstituted with a new project brief and membership. The work of the previous working group has transferred to the Younger

Adults Project Group. The group is now sponsored by the Service Director, Strategic Commissioning, Access and Safeguarding. The group will focus on a number of areas related to delivering the requirements of the Care Act and savings proposals which are part of the current budget consultation.

6. There are a number of current work streams and progress to date on these is identified in this report.
7. The Market Position Statement (MPS) for Nottinghamshire County Council has been reviewed and refreshed. Links have been made with MPS lead officers in neighbouring local authorities to discuss developing a standard template across the region. This will make it easier for stakeholders to understand the different commissioning intentions and population needs of multiple geographical areas but also for local authorities to align any common priorities and commissioning intentions. The revised version of the Market Position Statement will be shared with Members for information.
8. The Notts Help Yourself website is currently being re-tendered and the contract is due to be awarded on 5th December. The successful provider will implement a range of new features to the website and ensure that it is ready to go-live on 1st April 2016. The site is being commissioned in partnership with Children, Families and Cultural Services, Public Health and Mid-Nottinghamshire Clinical Commissioning Group and discussions are underway with Nottingham City Council for them to join the partnership.
9. Awareness training on the website has been delivered to the Customer Service Centre staff and to third sector providers commissioned to deliver information and advice across Nottinghamshire. One of the new features is the creation of a dedicated area for current and potential providers. It will provide useful information and market intelligence that will support them in their commercial ventures. For example, 'How to write a good tender' guide; examples of policies that companies can download and personalise to their business; links to local and regional Market Position Statements; local commissioning plans for younger and older adults; and a comprehensive calendar collating training and networking events taking place throughout Nottinghamshire. These will include events run by Optimum; Corporate Procurement; Adult Social Care and Health engagement events; and the Chambers of Commerce.
10. The Council's Strategic Commissioning and Corporate Procurement Teams are working jointly to develop resources and deliver training to help providers become more effective in securing funding and submitting successful tenders.
11. The Care Act states that prisoners need to be able to access the same opportunities as someone in the community to prevent, reduce and/or delay their reliance on social care. Initial steps have been taken to develop information and advice opportunities for prisoners in Nottinghamshire. This is likely to entail educating prison staff about what different social care and health organisations and third sector organisations can offer; identifying potential self-funders and providing them with access to suitable information and advice; and training officers to be Notts Help Yourself website 'champions', for example to help prisoners to access information on self-managing long term health conditions.

12. With regard to financial advice for self-funders, Age UK secured the tender to signpost younger and older adults, who are self-funders, to independent financial advice. The aim is to encourage people to take pro-active steps to use their resources in the most cost effective way, avoid financial abuse and ensure they remain independent for as long as possible. 40 referrals were received in the first three months of the contract, with an additional 17 referrals being received in the fourth month, indicating that this service is being well received.
13. An open book accounting exercise has been undertaken with the current home based care core providers to better understand the financial pressures across the sector and to inform work on developing and supporting a sustainable service. An initial internal workshop has taken place involving operational, procurement, market management and strategic commissioning staff in looking at the current arrangements and starting to plan for the next home care tender process.
14. The Council is currently collaborating with Oxford Brookes University's Institute of Public Care (IPC) to develop a Prevention Investment Plan that will help in the effective targeting of resources at preventative interventions that will have the greatest impact in safely delaying or diverting potential service users from requiring Council services.
15. As part of the Community Resilience and Empowerment programme, a joint internal workshop is planned to look at what we can practically do with the voluntary and community sector to develop stronger communities that can support local solutions for people who are in need of preventative services. Also linked to this programme is work to better utilise capacity in the voluntary sector. Progress has been made by linking providers to voluntary organisations to consider ways of working and also linking with Notts Help Yourself.
16. Work has been undertaken to identify gaps in knowledge and skills in the market and plan how Optimum, the workforce leadership partnership that supports local care providers to provide good quality care, can support the increase in skills for care providers to develop and maintain a high quality social care workforce. Optimum has received analysis on the themes and trends identified in the 2014/15 annual quality audits. Additional information has also been provided about recurrent issues that have led to contract suspensions, and Optimum has planned their offer of support based on this information. Work has also been done on engagement with providers identified as needing support and there are plans to engage with the Nottinghamshire Care Association to support the learning offers available to providers. A draft dementia learning pathway has been created to support delivery of high quality dementia care.
17. There is also work taking place to engage with services that are not subject to a contract with the Council but are registered with the Care Quality Commission, and low level providers. There are discussions at present with over 20 non-contracted services to understand their market positions.
18. With regard to promoting good terms and conditions for the social care workforce, the Market Management team is looking at what care providers offer for their staff. Work is being undertaken to try to improve alignment of terms and conditions in order to reduce the incidence of staff moving between providers, and to look at the possibility of sharing Council benefits with contracted partners.

19. Reviews of care providers' emergency plans have been completed with the involvement of the Council's Emergency Planning team, and there is work in progress in relation to dealing with market failure. The Local Government Information Unit's guidance on market failure has been shared with providers. The Council has engaged with two corporate providers to explore contractual barriers to the Council 'task force' option of taking over services of concern in times of failure.

Change to name of Market Development and Care Standards Team

20. The Market Development and Care Standards (MD&CST) team monitor the quality of care and support delivered by care providers in Nottinghamshire in line with the contractual requirements. Quality Development Officers complete approximately 400 annual quality audits on the directly contracted providers for residential/nursing care, home care, supported living, day care and housing related support. These staff also follow up improvement actions required arising from these, signposting providers to advice and support, and also respond to approximately 300 annual referrals of concern, which either come through the Multi-Agency Safeguarding Hub, district staff or direct from people, their families, and staff from a range of agencies.
21. The Quality and Market Management team are subject to a budget proposal in the current budget consultation (reference number B02). The proposal is to reduce the number of Quality Development Officers from 11 fte to 8 fte posts.
22. The market development function within the Council has now been incorporated within the Strategic Commissioning team. This means that the MD&CST are now required to manage rather than develop the market through quality monitoring and auditing. Managing the market involves holding care providers, whose delivery of care and support requires improvement, to account. As a result of this, it is proposed to rename the team to better reflect the work undertaken and offer clarity to both internal staff and external partners alike.
23. The proposed new name is Quality and Market Management Team, which also reflects the Group Manager title. This would mean that Quality Development Officers and Market Development Officers also need to have a change in their designation title to become Quality Monitoring Officers and Market Management Officers.

Deprivation of Liberty Safeguards update

24. In December 2014 and June 2015 reports were presented to Committee which highlighted the impact for the Council of changes to Deprivation of Liberty Safeguards (DoLS). These arose from the publication of the Supreme Court judgment in the case of P v Cheshire West and Chester Council, and P and Q v Surrey County Council, which further defined the meaning of Deprivation of Liberty and significantly expanded the number of people to whom it applies. These previous reports set out the predicted national and local increase in demand for assessments, and resources were approved in order to meet these new pressures in Nottinghamshire. This included an increase in the capacity of the central DoLS team from 6.8 FTE (full-time equivalent) to 20 permanent FTE Best Interests Assessors (BIAs) and an increase from 5 FTE to 8 FTE Business Support posts to manage the additional administration of referrals and assessments.

Progress with implementing additional resources

25. Nationally Best Interests Assessors (BIAs) are in high demand and short supply. However, the team has now successfully recruited 16.2 FTE permanent BIA staff with 6.6 FTE BIA vacancies remaining. A rolling advert is on the Nottinghamshire County Council website to attract applications for the remaining posts and agency cover is being sought whilst the posts are recruited to.
26. A successful arrangement has been put in place with the Council's staffing agency, Reed. In addition to any full time staff that are available to work within the team, Reed has identified a number of staff who were able to offer part time hours and be paid on a per assessment basis. The current average number of assessments completed in this way by Reed BIAs is 11 per week.
27. All sources of bringing in additional capacity continue to be explored, including for example, offering additional paid hours to existing BIAs employed by the Council. Projections of work completed against work coming in is adjusted and increased for when any new BIA capacity is available and progress against this target monitored. Activity against these projections is monitored on a fortnightly basis.
28. The predicted significant upward trend in DoLS referrals in Nottinghamshire over the previous 18 months has been evidenced in actual referrals received. The projected numbers of DoLS referrals from April to 6 December 2015 has been accurate, with 1,858 received, against a predicted 1,826 to date. This is already higher than the total number of referrals for the full year 2014-15.
29. Referrals made by hospitals receive priority due to people's fluctuating needs, care and treatment plans. These assessments are completed within the required two weeks with very few exceptions. Current referral levels are in line with comparator local authorities. Nationally, other local authorities are under similar pressures and are also developing plans to address this.
30. Various assumptions underpin the modelling of the highest number that predicted DoLS referrals are likely to reach. This is largely dependent on hospitals and residential care homes being aware of the need to make referrals. The resources approved in December 2015 were based on the assumption that increasing demand would plateau at a lower number of referrals than modelling of the implications if referrals continued to rise at the anticipated rate. Assessment of the potential resource implications of this for the Council has been identified as a budget pressure for separate consideration by Members.

Wider stakeholders and resources

31. For 42% of referrals (based on last year's referral figures), a Mental Health Assessor is required to complete the necessary assessments. Mental Health Assessors are doctors who have completed the Royal College of Psychiatry approved training. Negotiations are taking place to ensure that there is sufficient capacity to meet demand as there have been some recent delays to allocation. This includes liaison with the Nottinghamshire Healthcare NHS Foundation Trust regarding training provision, refresher training and appropriate remuneration.

32. Following recent case law, which clarified the needs for paid advocates (Relevant Persons Representative), additional resources have been made available to recruit a further three representatives from the current provider, POHWER. The Council has assessed future DoLS requirements both in terms of Independent Mental Capacity Advocates (IMCA) and Relevant Persons Representatives and these have been identified as a budget pressure for separate consideration by Members.

Streamlining processes

33. A Lean plus review of business processes identified that the time required to undertake administrative tasks associated with receiving and managing DoLS referrals and assessments could be reduced with the application of advanced technical solutions. This includes, for example, the development of an app-based interface through which agency staff can directly complete and submit assessments, and the development of a portal through which care homes and hospitals can submit referrals. These are expected to go live in early 2016.

Prevention

34. Approximately 8% of DoLS assessments are ceased due to inaccurate referrals being made, for example, where the Council is not the correct supervisory body. This work still takes up staff time to address. A piece of work is therefore underway to educate managing authorities (care homes and hospital trusts) in order to reduce the level of inappropriate referrals. This will have a particularly beneficial impact on the capacity of business support staff.

Monitoring progress

35. Regular fortnightly meetings are held with the Corporate Director, Service Director and relevant senior staff to monitor the progress of the DoLS corporate plan which co-ordinates actions strategically across the authority.

Approval of temporary posts to support countywide recruitment of assessment and care management staff

36. There have been previous reports to Committee about the pressures on completing assessments in a timely manner and the additional responsibilities arising from the Care Act over this financial year. It has also become more difficult to recruit sufficient staff to vacant posts and this is fundamental to fulfilling the Council's statutory responsibilities within appropriate timescales as well as ensuring effective management of risk, without deploying more resources than are necessary.
37. There is considerable activity associated with recruiting, interviewing and appointing large numbers of staff and matching the skills of staff to the right teams and services. It is important that this is done in a way that does not distract managers from dealing with urgent operational issues within their local teams and services.
38. It is therefore recommended that an existing Team Manager (1 FTE, Hay Band D) is seconded to lead on workforce recruitment for a six month period, and that a temporary Team Manager is recruited to backfill the gap that arises as a result, at a cost of £26,430

to be funded from the Care Act funding. In addition to this the secondment of a Business Support Officer (1 FTE, Grade 5) for a period of six months and the recruitment of cover for this post, at a cost of £11,210 to be funded from the Care Act funding, is also requested.

Other Options Considered

39. With regard to resources requested to support recruitment, this work could be undertaken as part of business as usual by a number of operational managers across the County but the suggested approach is seen to be a better use of resources in order to co-ordinate the recruitment campaign and the work generated by this.

Reason/s for Recommendation/s

40. The progress updates in relation to the Commissioning and Market Management Delivery Group and the management of the Deprivation of Liberty Safeguards situation are for noting. The Committee is asked to approve the resources required to support the Countywide recruitment of assessment and care management staff.

Statutory and Policy Implications

41. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

42. The financial implications are set out in **paragraph 38**.

Human Resources Implications

43. The Commissioning and Market Management Delivery Group update highlights the need to change the name of the Market Development and Care Standards team in line with current roles and responsibilities.
44. The update in relation to Deprivation of Liberty Safeguards identifies the steps being taken to recruit and retain Best Interests Assessors in order to deal with the waiting list.
45. In relation to the posts to support Countywide recruitment of assessment and care management staff, these implications are set out in **paragraph 38**.

RECOMMENDATION/S

That the Committee:

- 1) notes the work and progress of the Commissioning and Market Management Delivery Group
- 2) notes the current situation and progress in relation to Deprivation of Liberty Safeguards

- 3) approves the recruitment of a 1 FTE temporary Team Manager for an initial period of six months to cover the Gedling older adults Team Manager post, to allow this role to oversee countywide recruitment (at a cost of £26,430 to be funded from the Care Act funding)
- 4) approves the recruitment of a 1 FTE Business Support Officer for an initial period of six months to cover the release of a post to support the countywide recruitment work (at a cost of £11,210 to be funded from the Care Act funding).

David Pearson

Corporate Director, Adult Social Care, Health and Public Protection

For any enquiries about this report please contact:

Jennie Kennington

Senior Executive Officer

T: 0115 97 74141

E: jennie.kennington@nottscc.gov.uk

Constitutional Comments (SLB 15/12/15)

46. Adult Social Care and Health Committee is the appropriate body to consider the content of this report, subject to the Council's Employment Procedure Rules which require reports to contain HR advice and for consultation to be undertaken with the recognised trade unions.

Financial Comments (KAS 10/12/15)

47. The financial implications are contained within paragraph 38 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Deprivation of Liberty Safeguards – report to Adult Social Care & Health Committee on 1 December 2014

Deprivation of Liberty Safeguards – report to Adult Social Care & Health Committee on 1 June 2015

Organisational redesign & resources required for Care Act implementation– report to Adult Social Care & Health Committee on 2 February 2015

New ways of working for social care in Nottinghamshire– report to Adult Social Care & Health Committee on 30 November 2015

Electoral Division(s) and Member(s) Affected

All.

ASCH362

11 January 2016**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR, ADULT SOCIAL CARE, HEALTH AND
PUBLIC PROTECTION****ADULT SOCIAL CARE AND HEALTH – OVERVIEW OF CURRENT
DEVELOPMENTS****Purpose of the Report**

1. The report updates the Committee on a number of developments and activities that have been, and are, taking place across the department.
2. The report also seeks approval to recruit:
 - a 1 FTE temporary Team Manager for an initial period of six months to cover the Gedling older adults Team Manager post, to allow this role to oversee Countywide recruitment (at a cost of £26,430 to be funded from the Care Act funding)
 - a 1 FTE Business Support Officer for an initial period of six months to cover the release of a post to support the Countywide recruitment work (at a cost of £11,210 to be funded from the Care Act funding).

Information and Advice

3. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972, this covers information relating to the financial or business affairs of any particular person (including the Council). Having regard to all the circumstances, on balance, the public interest in disclosing the information does not outweigh the reason for exemption because of the risk to the Council's commercial position disclosure is likely to pose. The exempt information is set out in the Exempt Appendix.
4. This report covers: an update on the work of the Commissioning and Market Management Delivery Group, and a change to the name of the Market Development and Care Standards Team; an update on the current situation with Deprivation of Liberty Safeguards assessments; and a request for approval for temporary posts to support Countywide recruitment of assessment and care management staff.

Commissioning and Market Management Delivery Group Update

5. This delivery group has recently been reconstituted with a new project brief and membership. The work of the previous working group has transferred to the Younger

Adults Project Group. The group is now sponsored by the Service Director, Strategic Commissioning, Access and Safeguarding. The group will focus on a number of areas related to delivering the requirements of the Care Act and savings proposals which are part of the current budget consultation.

6. There are a number of current work streams and progress to date on these is identified in this report.
7. The Market Position Statement (MPS) for Nottinghamshire County Council has been reviewed and refreshed. Links have been made with MPS lead officers in neighbouring local authorities to discuss developing a standard template across the region. This will make it easier for stakeholders to understand the different commissioning intentions and population needs of multiple geographical areas but also for local authorities to align any common priorities and commissioning intentions. The revised version of the Market Position Statement will be shared with Members for information.
8. The Notts Help Yourself website is currently being re-tendered and the contract is due to be awarded on 5th December. The successful provider will implement a range of new features to the website and ensure that it is ready to go-live on 1st April 2016. The site is being commissioned in partnership with Children, Families and Cultural Services, Public Health and Mid-Nottinghamshire Clinical Commissioning Group and discussions are underway with Nottingham City Council for them to join the partnership.
9. Awareness training on the website has been delivered to the Customer Service Centre staff and to third sector providers commissioned to deliver information and advice across Nottinghamshire. One of the new features is the creation of a dedicated area for current and potential providers. It will provide useful information and market intelligence that will support them in their commercial ventures. For example, 'How to write a good tender' guide; examples of policies that companies can download and personalise to their business; links to local and regional Market Position Statements; local commissioning plans for younger and older adults; and a comprehensive calendar collating training and networking events taking place throughout Nottinghamshire. These will include events run by Optimum; Corporate Procurement; Adult Social Care and Health engagement events; and the Chambers of Commerce.
10. The Council's Strategic Commissioning and Corporate Procurement Teams are working jointly to develop resources and deliver training to help providers become more effective in securing funding and submitting successful tenders.
11. The Care Act states that prisoners need to be able to access the same opportunities as someone in the community to prevent, reduce and/or delay their reliance on social care. Initial steps have been taken to develop information and advice opportunities for prisoners in Nottinghamshire. This is likely to entail educating prison staff about what different social care and health organisations and third sector organisations can offer; identifying potential self-funders and providing them with access to suitable information and advice; and training officers to be Notts Help Yourself website 'champions', for example to help prisoners to access information on self-managing long term health conditions.

12. With regard to financial advice for self-funders, Age UK secured the tender to signpost younger and older adults, who are self-funders, to independent financial advice. The aim is to encourage people to take pro-active steps to use their resources in the most cost effective way, avoid financial abuse and ensure they remain independent for as long as possible. 40 referrals were received in the first three months of the contract, with an additional 17 referrals being received in the fourth month, indicating that this service is being well received.
13. An open book accounting exercise has been undertaken with the current home based care core providers to better understand the financial pressures across the sector and to inform work on developing and supporting a sustainable service. An initial internal workshop has taken place involving operational, procurement, market management and strategic commissioning staff in looking at the current arrangements and starting to plan for the next home care tender process.
14. The Council is currently collaborating with Oxford Brookes University's Institute of Public Care (IPC) to develop a Prevention Investment Plan that will help in the effective targeting of resources at preventative interventions that will have the greatest impact in safely delaying or diverting potential service users from requiring Council services.
15. As part of the Community Resilience and Empowerment programme, a joint internal workshop is planned to look at what we can practically do with the voluntary and community sector to develop stronger communities that can support local solutions for people who are in need of preventative services. Also linked to this programme is work to better utilise capacity in the voluntary sector. Progress has been made by linking providers to voluntary organisations to consider ways of working and also linking with Notts Help Yourself.
16. Work has been undertaken to identify gaps in knowledge and skills in the market and plan how Optimum, the workforce leadership partnership that supports local care providers to provide good quality care, can support the increase in skills for care providers to develop and maintain a high quality social care workforce. Optimum has received analysis on the themes and trends identified in the 2014/15 annual quality audits. Additional information has also been provided about recurrent issues that have led to contract suspensions, and Optimum has planned their offer of support based on this information. Work has also been done on engagement with providers identified as needing support and there are plans to engage with the Nottinghamshire Care Association to support the learning offers available to providers. A draft dementia learning pathway has been created to support delivery of high quality dementia care.
17. There is also work taking place to engage with services that are not subject to a contract with the Council but are registered with the Care Quality Commission, and low level providers. There are discussions at present with over 20 non-contracted services to understand their market positions.
18. With regard to promoting good terms and conditions for the social care workforce, the Market Management team is looking at what care providers offer for their staff. Work is being undertaken to try to improve alignment of terms and conditions in order to reduce the incidence of staff moving between providers, and to look at the possibility of sharing Council benefits with contracted partners.

19. Reviews of care providers' emergency plans have been completed with the involvement of the Council's Emergency Planning team, and there is work in progress in relation to dealing with market failure. The Local Government Information Unit's guidance on market failure has been shared with providers. The Council has engaged with two corporate providers to explore contractual barriers to the Council 'task force' option of taking over services of concern in times of failure.

Change to name of Market Development and Care Standards Team

20. The Market Development and Care Standards (MD&CST) team monitor the quality of care and support delivered by care providers in Nottinghamshire in line with the contractual requirements. Quality Development Officers complete approximately 400 annual quality audits on the directly contracted providers for residential/nursing care, home care, supported living, day care and housing related support. These staff also follow up improvement actions required arising from these, signposting providers to advice and support, and also respond to approximately 300 annual referrals of concern, which either come through the Multi-Agency Safeguarding Hub, district staff or direct from people, their families, and staff from a range of agencies.
21. The Quality and Market Management team are subject to a budget proposal in the current budget consultation (reference number B02). The proposal is to reduce the number of Quality Development Officers from 11 fte to 8 fte posts.
22. The market development function within the Council has now been incorporated within the Strategic Commissioning team. This means that the MD&CST are now required to manage rather than develop the market through quality monitoring and auditing. Managing the market involves holding care providers, whose delivery of care and support requires improvement, to account. As a result of this, it is proposed to rename the team to better reflect the work undertaken and offer clarity to both internal staff and external partners alike.
23. The proposed new name is Quality and Market Management Team, which also reflects the Group Manager title. This would mean that Quality Development Officers and Market Development Officers also need to have a change in their designation title to become Quality Monitoring Officers and Market Management Officers.

Deprivation of Liberty Safeguards update

24. In December 2014 and June 2015 reports were presented to Committee which highlighted the impact for the Council of changes to Deprivation of Liberty Safeguards (DoLS). These arose from the publication of the Supreme Court judgment in the case of P v Cheshire West and Chester Council, and P and Q v Surrey County Council, which further defined the meaning of Deprivation of Liberty and significantly expanded the number of people to whom it applies. These previous reports set out the predicted national and local increase in demand for assessments, and resources were approved in order to meet these new pressures in Nottinghamshire. This included an increase in the capacity of the central DoLS team from 6.8 FTE (full-time equivalent) to 20 permanent FTE Best Interests Assessors (BIAs) and an increase from 5 FTE to 8 FTE Business Support posts to manage the additional administration of referrals and assessments.

Progress with implementing additional resources

25. Nationally Best Interests Assessors (BIAs) are in high demand and short supply. However, the team has now successfully recruited 16.2 FTE permanent BIA staff with 6.6 FTE BIA vacancies remaining. A rolling advert is on the Nottinghamshire County Council website to attract applications for the remaining posts and agency cover is being sought whilst the posts are recruited to.
26. A successful arrangement has been put in place with the Council's staffing agency, Reed. In addition to any full time staff that are available to work within the team, Reed has identified a number of staff who were able to offer part time hours and be paid on a per assessment basis. The current average number of assessments completed in this way by Reed BIAs is 11 per week.
27. All sources of bringing in additional capacity continue to be explored, including for example, offering additional paid hours to existing BIAs employed by the Council. Projections of work completed against work coming in is adjusted and increased for when any new BIA capacity is available and progress against this target monitored. Activity against these projections is monitored on a fortnightly basis.
28. The predicted significant upward trend in DoLS referrals in Nottinghamshire over the previous 18 months has been evidenced in actual referrals received. The projected numbers of DoLS referrals from April to 6 December 2015 has been accurate, with 1,858 received, against a predicted 1,826 to date. This is already higher than the total number of referrals for the full year 2014-15.
29. Referrals made by hospitals receive priority due to people's fluctuating needs, care and treatment plans. These assessments are completed within the required two weeks with very few exceptions. Current referral levels are in line with comparator local authorities. Nationally, other local authorities are under similar pressures and are also developing plans to address this.
30. Various assumptions underpin the modelling of the highest number that predicted DoLS referrals are likely to reach. This is largely dependent on hospitals and residential care homes being aware of the need to make referrals. The resources approved in December 2015 were based on the assumption that increasing demand would plateau at a lower number of referrals than modelling of the implications if referrals continued to rise at the anticipated rate. Assessment of the potential resource implications of this for the Council has been identified as a budget pressure for separate consideration by Members.

Wider stakeholders and resources

31. For 42% of referrals (based on last year's referral figures), a Mental Health Assessor is required to complete the necessary assessments. Mental Health Assessors are doctors who have completed the Royal College of Psychiatry approved training. Negotiations are taking place to ensure that there is sufficient capacity to meet demand as there have been some recent delays to allocation. This includes liaison with the Nottinghamshire Healthcare NHS Foundation Trust regarding training provision, refresher training and appropriate remuneration.

32. Following recent case law, which clarified the needs for paid advocates (Relevant Persons Representative), additional resources have been made available to recruit a further three representatives from the current provider, POHWER. The Council has assessed future DoLS requirements both in terms of Independent Mental Capacity Advocates (IMCA) and Relevant Persons Representatives and these have been identified as a budget pressure for separate consideration by Members.

Streamlining processes

33. A Lean plus review of business processes identified that the time required to undertake administrative tasks associated with receiving and managing DoLS referrals and assessments could be reduced with the application of advanced technical solutions. This includes, for example, the development of an app-based interface through which agency staff can directly complete and submit assessments, and the development of a portal through which care homes and hospitals can submit referrals. These are expected to go live in early 2016.

Prevention

34. Approximately 8% of DoLS assessments are ceased due to inaccurate referrals being made, for example, where the Council is not the correct supervisory body. This work still takes up staff time to address. A piece of work is therefore underway to educate managing authorities (care homes and hospital trusts) in order to reduce the level of inappropriate referrals. This will have a particularly beneficial impact on the capacity of business support staff.

Monitoring progress

35. Regular fortnightly meetings are held with the Corporate Director, Service Director and relevant senior staff to monitor the progress of the DoLS corporate plan which co-ordinates actions strategically across the authority.

Approval of temporary posts to support countywide recruitment of assessment and care management staff

36. There have been previous reports to Committee about the pressures on completing assessments in a timely manner and the additional responsibilities arising from the Care Act over this financial year. It has also become more difficult to recruit sufficient staff to vacant posts and this is fundamental to fulfilling the Council's statutory responsibilities within appropriate timescales as well as ensuring effective management of risk, without deploying more resources than are necessary.
37. There is considerable activity associated with recruiting, interviewing and appointing large numbers of staff and matching the skills of staff to the right teams and services. It is important that this is done in a way that does not distract managers from dealing with urgent operational issues within their local teams and services.
38. It is therefore recommended that an existing Team Manager (1 FTE, Hay Band D) is seconded to lead on workforce recruitment for a six month period, and that a temporary Team Manager is recruited to backfill the gap that arises as a result, at a cost of £26,430

to be funded from the Care Act funding. In addition to this the secondment of a Business Support Officer (1 FTE, Grade 5) for a period of six months and the recruitment of cover for this post, at a cost of £11,210 to be funded from the Care Act funding, is also requested.

Other Options Considered

39. With regard to resources requested to support recruitment, this work could be undertaken as part of business as usual by a number of operational managers across the County but the suggested approach is seen to be a better use of resources in order to co-ordinate the recruitment campaign and the work generated by this.

Reason/s for Recommendation/s

40. The progress updates in relation to the Commissioning and Market Management Delivery Group and the management of the Deprivation of Liberty Safeguards situation are for noting. The Committee is asked to approve the resources required to support the Countywide recruitment of assessment and care management staff.

Statutory and Policy Implications

41. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

42. The financial implications are set out in **paragraph 38**.

Human Resources Implications

43. The Commissioning and Market Management Delivery Group update highlights the need to change the name of the Market Development and Care Standards team in line with current roles and responsibilities.
44. The update in relation to Deprivation of Liberty Safeguards identifies the steps being taken to recruit and retain Best Interests Assessors in order to deal with the waiting list.
45. In relation to the posts to support Countywide recruitment of assessment and care management staff, these implications are set out in **paragraph 38**.

RECOMMENDATION/S

That the Committee:

- 1) notes the work and progress of the Commissioning and Market Management Delivery Group
- 2) notes the current situation and progress in relation to Deprivation of Liberty Safeguards

- 3) approves the recruitment of a 1 FTE temporary Team Manager for an initial period of six months to cover the Gedling older adults Team Manager post, to allow this role to oversee countywide recruitment (at a cost of £26,430 to be funded from the Care Act funding)
- 4) approves the recruitment of a 1 FTE Business Support Officer for an initial period of six months to cover the release of a post to support the countywide recruitment work (at a cost of £11,210 to be funded from the Care Act funding).

David Pearson

Corporate Director, Adult Social Care, Health and Public Protection

For any enquiries about this report please contact:

Jennie Kennington

Senior Executive Officer

T: 0115 97 74141

E: jennie.kennington@nottsccl.gov.uk

Constitutional Comments (SLB 15/12/15)

46. Adult Social Care and Health Committee is the appropriate body to consider the content of this report, subject to the Council's Employment Procedure Rules which require reports to contain HR advice and for consultation to be undertaken with the recognised trade unions.

Financial Comments (KAS 10/12/15)

47. The financial implications are contained within paragraph 38 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Deprivation of Liberty Safeguards – report to Adult Social Care & Health Committee on 1 December 2014

Deprivation of Liberty Safeguards – report to Adult Social Care & Health Committee on 1 June 2015

Organisational redesign & resources required for Care Act implementation– report to Adult Social Care & Health Committee on 2 February 2015

New ways of working for social care in Nottinghamshire– report to Adult Social Care & Health Committee on 30 November 2015

Electoral Division(s) and Member(s) Affected

All.

ASCH362