

**22<sup>nd</sup> July 2013****Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR FOR JOINT COMMISSIONING,  
QUALITY AND BUSINESS CHANGE****TRANSFER OF NOTTINGHAMSHIRE ICES PARTNERSHIP MANAGER POST  
TO NOTTINGHAMSHIRE COUNTY COUNCIL****Purpose of the Report**

1. This report outlines the proposal to transfer the Nottinghamshire Integrated Community Equipment Service (ICES) Partnership Manager Post to the employment of Nottinghamshire County Council.

**Information and Advice**

2. The Integrated Community Equipment Service (ICES) was formed in Nottinghamshire in April 2004 as a result of national Government requirements. It became a mandatory requirement for all areas of the Country to set up integrated services following a review of all community equipment provision by the Audit Commission.
3. Nottinghamshire established a partnership between the local authorities and health organisations. In 2004 this was established as two separate partnerships and services that covered South Nottinghamshire and North Nottinghamshire.
4. On 09 June 2010, Cabinet approved the establishment of a single Integrated Community Equipment Service across the County and City geographical area. Nottinghamshire County Council was the lead commissioner for the service which includes Nottingham City council and Health partners across Nottingham City and Nottinghamshire County including Bassetlaw. The commissioning of a single countywide service enabled all partners to achieve considerable savings by replacing the two previous North and South partnerships. These savings included rationalisation of the ICES partnership team into one unit as outlined below.
5. This countywide partnership established a Partnership Team including 1fte (37 hours) ICES Partnership Manager. This post replaced the two existing partnership manager posts one for the North and one for the South. The successful candidate for the unified post is a Nottingham City Council employee who is currently on secondment to the County Council.

## **Reason/s for Recommendation/s**

6. The County Council hosts the Partnership Team because they are the lead commissioners for the ICES partnership. The current post holder, on secondment from the City Council, manages the Partnership Team made up of 1 fte Occupational Therapist, 1 fte Finance Officer and 1 fte Administrative Assistant. These three post holders are all County Council employees.
7. The City Council and County Council have reviewed the secondment of the manager and given that Nottinghamshire County Council will always be the lead commissioner for this service, it would be better for the partnership manager to be employed by Nottinghamshire County Council. It would be appropriate to transfer under TUPE regulations the ICES Manager post to the County Council for the following reasons set out below.
8. The manager is required to use County Council systems including BMS, Framework and e-mail and manages staff who are County Council employees.
9. The manager manages the contract on behalf of and is answerable to the ICES Partnership Board chaired by the Service Director for Joint Commissioning, Quality and Business Change and is line managed on a day to day operational basis by the Group Manager Older Adults Gedling. Lines of accountability would therefore be improved by transferring the post to the County Council.
10. Managers and human resources colleagues from both Nottinghamshire County Council and Nottingham City Council have met with the staff member concerned to ensure due diligence in consulting with her and her Trade Union representatives over the proposed transfer. The staff member has indicated her willingness to transfer to the employment of the County Council but maintain Nottingham City Council's terms & conditions under the TUPE transfer arrangements. It is proposed that the transfer of this service happens in September 2013.

## **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Human Resource Implications**

12. The Transfer of Undertakings (Protection of Employment) Regulations 2006 applies in the transfer of this post holder. Due consultation is taking place, and terms and conditions of employment will be protected in accordance with the Regulations.
13. This report proposes to transfer the ICES Partnership Manager, Pay Band GLCP I (£34,549-£38,042) to Nottinghamshire County Council. The post is to carry approved car user status.

14. The risk of redundancy should the partnership be dissolved for any reason is shared equally amongst the partners so that staff within the partnership team would be eligible for re-deployment in any of the partner organisations. The proposed transfer of the manager's post therefore would not add to this potential risk for Nottinghamshire County Council.

15. The Trade Unions have been consulted and no comments have been received.

### **Financial Implications**

16. The funding of the ICES Partnership team is already covered within the Partnership agreement and as such there are no financial implications for the proposed transfer of the post to the County Council.

## **RECOMMENDATION/S**

It is recommended that the Adult Social Care and Health Committee:

- 1) Approves the TUPE transfer of employment of the ICES Partnership Manager, Pay Band GLCP I (£34,349-£38,042) to carry approved car user status from Nottingham City Council to Nottinghamshire County Council with effect from September 2013.

### **CAROLINE BARIA**

**Service Director, Joint Commissioning Quality and Business Change**

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### **Constitutional Comments (KK 08/07/13)**

17. The proposal in this report is within the remit of the Adult Social Care and Health Committee.

### **Financial Comments (CLK 10/07/13)**

18. The financial implications are contained within paragraph 16 of this report.

### **Background Papers and Published Documents**

None

### **Electoral Division(s) and Member(s) Affected**

All.

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