



Emergency Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

There exists in North East Lincolnshire (and nationally) circumstances that may warrant exercise of powers and decision making outside usual parameters (Coronavirus/COVID-19).

S138 Local Government Act 1972 permits that where such circumstances exist so as to affect the whole or part of their area or all or some of its inhabitants a Council may:

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

This decision is made in the above circumstances.

2. Is it a Key Decision as defined in the Constitution?

Key in that a range of decisions are to be implemented as reflected in the attached schedule ("*Adult Services Emergency Decisions – High Level Advice to CEO and Leader*") across the adult social care agenda in order to meet a daily shifting landscape

3. Details of Decision

At appendix 1 of this Emergency Decision Record is a schedule of operational decisions taken by the Director for Adult Social Services reflecting a redeployment of resources directly attributable to the COVID-19 issue.

The JCEX is asked to note these decisions

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes

5. Anticipated outcome(s)

A redeployment of resources consistent with the Director's constitutional power to do so subject to the prevailing policy of the Council.

6. Details of any alternative options considered and rejected by the officer when making the decision

Not applicable

7. Background documents considered

None

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

In the current climate all such decisions fall to the Joint Chief Executive Officer

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

S138 of the Local Government Act 1972 permits the Council to incur expenditure to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the Coronavirus. The Government has indicated that the Council

will be fully funded for implementing any measure to tackle the coronavirus pandemic. A proper record of any spend incurred should be maintained.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR considerations, however the wellbeing and safety of the workforce is paramount during these times

13. Risk Assessment (in accordance with the Report Writing Guide)

Risk is likely to be minimal in that any reputational harm is far outweighed by the need to act effectively to ensure that all resource is appropriately directed so as to alleviate the effects of the COVID-19 emergency.

<p>14. Decision Maker(s):</p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 6th April 2020</p>
<p>15. Consultation carried out with Leader:</p> <p>Portfolio Holder for Finance and Resources (Cllr Shreeve)</p> <p><i>In in the absence of the above named a confirmatory email which is annexed to this record</i></p>	<p>Signed: Cllr Philip Jackson</p> <p>Dated: 3rd April 2020</p> <p>Signed: Cllr Stan Shreeve</p> <p>Dated: 3rd April 2020</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Cllr Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Cllr Paul Silvester</p> <p>Dated: 2nd April 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

Adult services emergency decisions – high-level advice to CEO and leader

Updated 23rd April 2020

Decision to be taken (K=key decision)	Rationale, risks and impact	With effect from	Financial implications	Lead officer
Older people and learning/disabled day centre closure (K)	Reduce contact between older and vulnerable people to prevent infection and the spread of infection; there is a risk that people will become socially isolated, that carers will not be able to cope or that we do not have adequate service provision to support people at home. CPG is working with focus to mitigate these risks	4pm 18 th March 2020; ODR to be completed	Reduced income to service (£250k);	Amy Clarke
Provision of additional step up/step down facility to support safe hospital discharge (K)	This will provide additional capacity for care if residential providers unable to meet demand due to covid related staff shortages or the need to contain infection. Facility identified is Cambridge park, a former care home.	Facility has been completed and ready for use	C£700k; part of COVID claim from health	Nic McVeigh
Oversight of the discharge pathway	New processes being designed to ensure the safe discharge of patients to reduce the risk of spread; particularly for patients being discharges to home, supported living or ECH; to include consideration of transport	Completed – new systems up and running	May be cost neutral depending on the new care pathways	Nic McVeigh
Financial control, policy and oversight (K)	Financial recording so we can track the costs attributable to Covid action	Recording in place	Cost neutral – will enable us to track impact	Rachel Brunton
	Debt recovery – process as usual without enforcement; reduced income to services (K)	Immediate effect – ODR needed	We will track debt as usual business and report	Rachel Brunton
	Maintenance of provider payments – we have a contingency plan if the CCF team cannot	ODR agreed	Likely to be overspend on core	Rachel Brunton

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	operate to full capacity; This will mean paying on planned not actuals which will inflate costs. May be possible to recover post event.		budgets – unknown; some costs will be charged to additional funding provided	
	Delay decision to adopt and implement new charging policy (K) – reduced income; too disruptive to implement in a crisis and without debt enforcement will further increase debt levels	Immediate effect; ODR to be agreed	Will reduce income to service c£100k	Emma Overton
	Review of clients in receipt of direct payments to see what the impact would be of them requiring new support if their existing arrangements could not be delivered due to sickness/isolation; this will mean continuing to pay workers to ensure that they can return to work	Paper needed to look at issues – ODR pending	Increased cost – unknown at this stage	Rachel Brunton
Stepping down BIA assessments and face to face work with DOLS (K)	We are developing a plan to deal with critical DOLs only (where there are objections); the council will be in breach of human rights;	Completed – ODR in place	Will reduce cost to deliver DOLs but increase the risk of challenge; however this is unlikely in the present situation	Bruce Bradshaw
Close carers support centre to face to face activity(K)	There is a risk that carers' relationships will break down resulting in more pressure on the system; Carers' support service will be maintained to some degree as a remote/telephone service; we will aim to risk assess people and keep in contact	Plan in place with immediate effect	Cost neutral	Nic McVeigh
Delay implementation of IAG platform (replacement of services for me)	This will delay the provision of an enhanced digital offer to the community; we have already given notice to Services for me and will have to explore whether this can be re-instated;	ODR agreed	Likely to be around £40k	Nicola Stark

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	Rationale for pausing the new system is simply capacity at this critical time. Digital offer reduces demand on the SPA so we need something in place; it will also offer a link to the mobilised community support once up and running -			
Step down routine reviews	This will mean that face to face reviews will be stopped other than for high risk cases; this may mean we over or under deliver on care packages; priority to be given to cases that need to be moved from health funded short term placements to usual home.	With immediate effect – ODR pending	Substantial but unknown; will be part of new monitoring arrangements	Christine Jackson
Introduce light touch assessments and light touch financial assessments (K)	We will be able to manage incoming cases if social work capacity is depleted; we will risk being in breach of care act duties; income will be reduced	With immediate effect	Substantial but unknown	Christine Jackson
Pause work on high cost placements (K)	This will impact on budget savings; however we need to preserve social work capacity to prepare for an influx in demand for services	With immediate effect; ODR pending	Substantial but unknown	Bev Compton
Pause work on transitions (K)	This will impact on budget savings; as above we need to preserve capacity	ODR pending	Substantial but unknown	Bev Compton
Pause work on the implementation of the new care at home contract (K)	Although we should have been moving to new contracts by June this would be disruptive to some services users and is taking capacity from the team; we are working with providers on an interim offer that will ensure that all current providers can maintain their client caseload and ensuring that we have optimum service capacity throughout the outbreak	Paper and ODR due;	Cost to take this decision is neutral unless we are challenged legally but this is unlikely	Bruce Bradshaw

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Implement enhanced care at home service to be able to response within the 3 hour discharge process	Additional and more responsive care at home capacity may be required to enable flow through the hospital out to community	Spec being developed	Will be additional costs associated with this – unknown at present	Bruce Bradshaw
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Appendix 2 - Copy of email confirmation

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 06 April 2020 10:42
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Take it as read.thanks.

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 03 April 2020 17:11
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

The email thread below reflects:

1. Consent to urgency by Scrutiny Chair;
2. Consultation with PFH Finance and Resources;
3. Consultation with Leader.

You are the decision maker.

Having complied with the emergency governance framework I will need either an electronic signature on each Emergency ODR or (preferably) an email from you confirming that as decision maker all attached decisions, being:

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;
4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

are deemed made and completed.

I will then forward to Democratic Services.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1|
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 03 April 2020 13:46
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

I'm content to sign these off, too, though share the concerns voiced by Stan Shreeve.

Kind regards

Councillor Philip Jackson
Leader of North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Email: Philip.jackson@nelincs.gov.uk
Office: 01472 325905
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 03 April 2020 13:32
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Sharon Wroot (NELC) <Sharon.Wroot@nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>
Subject: RE: Emergency Decisions

Good afternoon,

Attached are signed decision notices as forwarded this morning.
I have signed all as requested, but can I put on record my disquiet with the ASC measures which are many and seem to be blanket covering just about everything, with no financial impact assessment at present. Please keep these closely under review as the situation develops and close down where possible.

Cllr Stan Shreeve
Portfolio Holder Finance and Resources
Ward Councillor for Humberston and New Waltham
North East Lincolnshire Council
Email: stanley.shreeve@nelince.gov.uk
Tel: 07702 343340

From: Rob Walsh (NELC)
Sent: 03 April 2020 11:43
To: Cllr Philip Jackson (NELC); Cllr Stanley Shreeve (NELC)
Cc: Sharon Wroot (NELC); Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Subject: Emergency Decisions

Importance: High

Philip / Stan

Here is a suite of delegated emergency decisions for your perusal and sign off. In each instance officers have consider all relevant issues and risks and I , with your support, seek authority to formally sign them off for the record.

This is going to become a system / process that will iterate over the coming weeks / months.

For transparency, the full governance trail is set out below.

Rgs

Rob

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 02 April 2020 13:45
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: Emergency Decisions
Importance: High

Rob.

I have this morning received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decisions. Below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1 |
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk|

From: PAUL SILVESTER
Sent: 02 April 2020 11:54
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Simon

I have read all of the emergency decision notices and my response as Chair of the Communities Scrutiny panel is as follows

1. Adult Social Care (ASC) decisions; - consent
2. DoL's (Deprivation of Liberties); - consent
3. Economy and Growth Schedule of decisions; - consent
4. Finance and Treasury Management; - consent
5. Immingham Community Recycling Centre (CRC). - consent

Kind regards
Councillor Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
Sent: 01 April 2020 19:04
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions
Importance: High

Councillor.

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decisions.

1. Adult Social Care (ASC) decisions;
2. DoL's (Deprivation of Liberties);
3. Economy and Growth Schedule of decisions;

4. Finance and Treasury Management; and
5. Immingham Community Recycling Centre (CRC).

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,
Simon.

Simon D Jones,
Chief Legal and Monitoring Officer
North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU | DX13536 Grimsby 1 |
Telephone number (01472) 324004 | simon.jones1@Nelincs.gov.uk