



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.

Brief Background/Context:

Adult social care ringfenced Workforce Recruitment and Retention 2 grant funding £974,637 – expenditure to be incurred between 10th December 2021 and 31st March 2022.

The purpose of this funding is to deliver additional staffing capacity in adult social care through recruitment and retention activity.

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

Yes

3. Details of Decision

1. To permit the Director for Adult Services, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care to distribute the Adult social care ringfenced Workforce Recruitment and Retention 2 grant funding in accordance with grant conditions and the following criteria and guidance:

To distribute funding to Residential and Support at home CQC registered providers within North East Lincolnshire, distribution based on workforce numbers recorded within the relevant provider tracker reports. Distribution will also include supported Living providers supporting North East Lincolnshire clients, based on number of clients and St. Andrews Hospice, based on workforce numbers.

Residential providers and St. Andrews Hospice will receive a double weighting of grant funding, in consideration to Workforce recruitment and retention grant 1 being targeted to community providers During Q3 of 21/22.

Funding will be distributed to providers on submission to the council of a completed Grant agreement. NELC legal services is creating the Grant agreement in line with the conditions of the grant.

Adult Social Care – Workforce Recruitment & Retention 2 fund

Grant circular:

On 14 September 2021 the government made a commitment in the COVID-19 response: Autumn and Winter Plan 2021 to support local authorities and social care providers to maintain safe staffing levels over the winter period and to continue working with the care sector to ensure there is sufficient workforce capacity across services.

The adult social care winter plan published on 3 November 2021 sets out the support the government will be providing to the adult social care sector to meet the challenges it faces this winter. The plan included a commitment to providing a Workforce Recruitment and Retention fund, round 2, to support local authorities and providers to recruit and retain sufficient staff over winter, and support growth in workforce capacity of the existing workforce.

The main purpose of the Workforce Recruitment and Retention Fund, round 2, is to urgently support local authorities address workforce capacity pressures in their geographical area this winter through recruitment and retention activity. The core aims of this fund are to:

1. support timely and safe discharge from hospital to where ongoing care and support is needed
2. support providers to maintain the provision of safe care and bolster capacity within providers to deliver more hours of care
3. support providers to prevent admission to hospital
4. enable timely new care provision in the community
5. support and boost the retention of staff within social care

This workforce recruitment and retention funding will be paid out to local authorities as a standalone section 31 grant with conditions on its use. Allocations for this portion of the grant will be made using the Relative Needs Formula (RNF).

This is a new grant, separate to the extension to the Infection Control Fund and Rapid Testing Fund, which will further help the care sector respond to the challenges posed by COVID-19 and will be paid to local authorities in England.

Grant conditions within the Grant Agreement with the provider:

3.4 In the first instance the Recipient shall consider spending the Grant monies on the following measures:

a) bringing forward planned uplifts relating to pay for the adult social care Staff in advance of the new financial year. For the avoidance of doubt the expenditure of the Grant is limited to the Grant Period and any ongoing burden will be incurred at the Recipient's own risk.

b) Retention payments to Staff to support Staff and boost retention of Staff within social care. Examples of this include but are not limited to:

- i. Occupational health measures
- ii. Well-being measures

c) Incentive payments to Staff to support Staff and boost retention of Staff within social care. Examples of this include but are not limited to:

- i. supporting payments to boost the hours provided by the existing Staff including childcare costs and overtime payments
- ii. Occupational health measures
- iii. Well-being measures

with any incentive payment to encourage Staff retention over periods of high pressure

these measures together defined as the Priority Spend.

3.5 Should Grant monies remain following any allocation to the Priority Spend the Recipient may then use the Grant on the following measures:

- a) Any other supporting payments to boost the hours provided by the existing Staff
- b) the creation and maintenance of measures to secure additional or redeployed capacity
- c) Where the Recipient received grant monies from the Funder from WRRF Round 1, enhancing or bolstering measures already undertaken through that WRRF Round 1 funding
- d) local recruitment initiatives
- e) to cover reasonable administrative and/or set up costs that the Recipient incurs for new measures that deliver additional staffing capacity through recruitment and retention activity

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)

To enable care providers to sustain and increase their workforce capacity and operational activity to deliver safe and timely care during the life of the Grant.

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

Consideration of different models of and basis of distribution to care providers, the chosen model is considered to be an appropriate fit in relation to funding distribution across the care sector and with consideration to previous funding and aligned with proposed future distribution of funding in relation to Humber cost and Vale workforce funding.

1. WWR 2 will be offered to all CQC support at home and residential care home providers and supported living placements within NEL as well as St Andrew's Hospice.
2. The funding will be double weighted favouring residential care as they have not received funding as part of WWR Round 1. This round of funding and weighting will balance pressures in this specific area that was not addressed in Round 1.
3. The funding will be provided on the basis of workforce numbers. As the grant is workforce related, this option appears aligned to the main purpose of the grant. This is also understood to be the approach taken with North Lincs (as confirmed via discussion between NEL and NL's DASS)- this approach lines up the processes for providers straddling or providing services cross border. It should be noted that the workforce data held for Supported Living is incomplete and client numbers will be used as a basis for distribution.

7. Background documents considered

Government guidance on the use of the grant:

[Annex B: grant conditions - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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

N/A

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)

N/A

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.

Constitutionally where there is an urgent need or where there is a recess in meetings the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

Brief Monitoring Comment:

The urgency is around the tight timeframes in which to defray the grant, designed to ease pressures on Residential and Support at Home CQC Registered Providers.

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

On the 16th December the Council was notified it would receive an amount of £974,637 in respect of the Adult Social Care – Workforce Recruitment & Retention 2 fund. The allocation was in the form of a S31 grant but with conditions attached briefly being it must only be used to deliver measures that address workforce

capacity pressures through recruitment and retention activity in adult social care between 10 December 2021 and 31 March 2022,

LA's are required to report on the grant spending and confirm it is being spent in accordance with the grant conditions. This is both in respect of its own direct spend and any passported the providers. Any underspend of the grant by the 31-3-2022 will be required to be returned to the DHSC.

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

There are no direct HR implications

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

The risks include the timely distribution of funds in accordance with the grant conditions and ensuring compliance with the conditions. To support the management of these risks the care and independence team has a working group which has supported the distribution of all COVID related funding for social care. The group has ensured that a robust process is in place for providers to follow. A further risk is that providers do not spend the money appropriately. The grant agreements, which are part of the process, are designed to ensure that providers understand the grant conditions, including reporting requirements, and sign to say they commit to the grant conditions. There are clawback provisions if there is a breach of the agreement. Audits are carried out to provide assurance that expenditure is incurred in line with the grant conditions and guidance. Weekly provider webinars and provider "clinics" enable any queries to be raised and resolved quickly.

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| <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: Rob Walsh</p> <p>Title: Chief Executive</p> <p>Signed: Approved via email</p> <p>Dated: 16th February 2022</p> |
| <p>15. Consultation carried out with Portfolio Holder(s):</p> | <p>Name: Cllr Philip Jackson</p> <p>Title: Leader of the Council</p> <p>Signed: Approved via email</p> <p>Dated: 16th February 2022</p> <p>Name: Cllr Stan Shreeve</p> <p>Title: Deputy Leader and Portfolio Holder for Finance, Resources and Assets</p> <p>Signed: Approved via email</p> <p>Dated: 16th February 2022</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 has secured a confirmatory email which is annexed to this record</i></p> | <p>Name: Councillor Paul Silvester</p> <p>Title: Chair of Communities Scrutiny Panel</p> <p>Signed: Approved via email</p> <p>Dated: 15th February 2022</p> |

In the event of absence or incapacity of the relevant Portfolio Holder 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.

| Cabinet Members: | Tick |
|--|-------------|
| Name: | |
| Leader (Cllr Jackson) | |
| Deputy Leader and Portfolio Holder for Finance, Resources and Assets (Cllr Shreeve) | |
| Portfolio Holder for Environment and Transport (Cllr S Swinburn) | |
| Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell) | |
| Portfolio Holder for Economic Development, Housing and Tourism (Cllr Procter) | |
| Portfolio Holder for Children, Education and Skills (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.

APPENDIX 1 – EMAIL APPROVAL

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 16 February 2022 14:48
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Cc: Paul Windley (NELC) <Paul.Windley@nelincs.gov.uk>; Laura Cowie (NELC)
<Laura.Cowie@nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decisions

Simon,

Approved by Leader, Deputy and myself.

Thanks.
Rob

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Sent: 16 February 2022 14:44
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC)
<philip.jackson@nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

Happy to support

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

From: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Sent: 16 February 2022 13:03
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Stanley Shreeve (NELC)
<Stanley.Shreeve@Nelincs.gov.uk>
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

I am content to approve.

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: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>
Sent: 16 February 2022 11:05
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decisions

Leader and Deputy,

For your urgent consideration and approval please, per established process.

Regards

Rob

Rob Walsh, Chief Executive, North East Lincolnshire Council/North East Lincolnshire
Clinical Commissioning Group
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
01472 324700
rob.walsh@nelincs.gov.uk | www.nelincs.gov.uk | Twitter : @CXNELC

From: PAUL SILVESTER
Sent: 15 February 2022 13:26
To: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good afternoon Simon

As Chair of the Communities Scrutiny Panel I have read and considered the two
Emergency Officer decision Records and my response is as follows

1. Workforce Recruitment retention (To fund additional staffing capacity in health and social care); - Consent
2. HCV Workforce Funding (to defray ringfenced grant funds quickly); - Consent

Kind regards
Cllr Paul Silvester

From: Simon Jones (Chief Legal and Monitoring Officer) (NELC)
<Simon.Jones1@Nelincs.gov.uk>
Sent: 15 February 2022 13:11
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>
Cc: PAUL SILVESTER
Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

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, Resources and Assets.

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.

You may note that as we move to a period of stabilisation and recovery, monitoring comments will also appear from the Director of Public Health or his deputies.

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. Workforce Recruitment retention (To fund additional staffing capacity in health and social care);
2. HCV Workforce Funding (to defray ringfenced grant funds quickly);

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.

To note, consideration was given to these matters being considered at Cabinet this week but the Chief Executive was of the view that they be best dealt with under the emergency decision framework. Such framework, barring exceptional circumstances, is likely to be stood down at the end of this month.

Regards,
Simon.

Simon D Jones,
Assistant Director Law, Governance and Assets
(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