



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:

Humber Coast and Vale integrated care system (ICS) workforce ring fenced grant £1,028,000 – expenditure to be incurred between 1st December 2021 and 31st March 2022.

It is assumed this funding is being transferred under the NHS Act 2006.

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 defray the workforce ring fenced grant in accordance with grant conditions and the following criteria and guidance:

Following the allocation of the above resources, to outline the principles and process to distribute funding to residential and support at home CQC registered providers within North East Lincolnshire. Distribution is based on workforce numbers recorded within the relevant provider tracker reports where this information is available.

Distribution will also include supported living providers supporting North East Lincolnshire clients, based on number of clients, and St. Andrew's Hospice, based on workforce numbers.

Residential providers and St. Andrew's Hospice will receive a double weighting of grant funding, in consideration of the 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.

The funding is being passported by NEL CCG to the council for distribution to care providers. The CCG has agreed the methodology and basis of distribution as outlined within this ODR.

HCV ICS care sector pay contribution

The proposal includes the following comments regarding its purpose which was discussed by directors of adult social services (DASSs) within the HCV footprint:

- The ICS's commitment to support retention of the care sector workforce, which has faced a step-change in the labour market since July 2021, is welcomed. This workforce is vital, not only for ensuring that adult social care statutory duties in respect of adult social care clients are met, but also for managing hospital flow and capacity in community and primary care

- The support from the HCV is positive but on its own will not massively expand workforce capacity: what it will do is to recognise the key role that care workers play within the wider health and social care system and it will help to mitigate further reductions in care capacity across the ICS throughout the winter period, and intense impacts of the COVID pandemic, and omicron variant
- DASSs within the HCV footprint wanted to ensure that health funding was proportionately distributed to each place, based on number/size of the care market in each of the 6 places within the ICS
- It was agreed that as far as possible, the approach to distribution needed to be consistent across all 6 places: to enable rapid implementation; to have a direct impact for frontline care workers and be auditable.
- At the same time, it should be noted that the 6 places are very different, with diverse care markets and providers, so this proposal seeks to ensure consistency, whilst avoiding a “one size fits all” approach
- The clear aim is to provide either a National Living Wage (NLW/National Minimum Wage (NMW) increase or, where care workers are paid more than that already because of local care market conditions and scarcity, it will provide a one-off pay bonus equivalent to the 6.6% average NLW/NMW pay increase ahead of the nationally-announced April 2022 uplift to these pay rates
- 6.6% is the best average headline figure for this proposal, noting that the national uplift varies between 4.1% and 9.8% for younger employees
- The preferred approach is for councils to make these payments to care providers via direct grant because 1) clear conditions can be set, 2) it is quicker and avoids contract variations, 3) it is more auditable. In some cases, where CCGs are the sole contractor, then the payments should be made by them, on a coordinated basis with councils
- The proposal will cover all parts of the care sector: home care, residential and nursing homes and all ages over 18, including physical health, mental health and people with a learning disability that have a contract with either the local council or CCG(s)

- Payments will cover the period from 1 December 2021 – 31 March 2022
- The ICS will pay 100% for this intervention so there is clear, direct accountability – in addition, councils will target their Workforce Retention Funds and other interventions to support shared system priorities but this proposal relates solely to 100% NHS funding of the 6.6% pay bring-forward
- Councils and CCGs in each local place will determine the local implementation and payment mechanisms
- The ICS, CCGs and Councils will agree joint communications, including joint letters and media releases, as well as messaging to care providers
- The ICS, CCGs and Councils will also agree a proportionate audit trail/regime for these payments

It is proposed the Grant funding be distributed by the same basis as WRR2 (subject to a separate ODR) and for the same conditions within the grant agreement with providers set out below:

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 are 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

It should be noted the proposed use of the grant diverts from the original (HCV) proposal in the following areas:

- In the original proposal the funding is to be spent on a wage increase or bonus equivalent only, and this was the basis for the funding allocation. The measures suggested (mirroring WRR2) are broader than this.
- the original proposal does not cover providers who do not contract with the councils or NHS, the grant is to be made to registered CQC registered providers which is broader than what the proposal document envisaged. However it is possible that CCG and council may need to engage services from those organisations not previously contracted from due to the extreme pressures being felt across the health and care system.

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 and also for managing hospital flow and capacity in community and primary care.

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

Consideration of different models of, and basis for 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. The proposed distribution model has been agreed with NEL CCG.

1. Humber Coast and Vale ICS workforce grant funding 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 consistent with the WRR2 grant funding distribution model.

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

N/A

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 Care Homes and their staff.

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

The Council has been allocated an amount of £1,028,000 from the Humber Coast and Vale in respect workforce retention and recruitment for the period 1-12-2021 to the 31-3-2022. The funding is to be used to provided payments to defined care workers in the sector within the above period in advance of the new increases and

uplifts in pay being applied from the 1-4-2022. The conditions are flexible and any funding not required can be used to increase capacity and drive local recruitment and development of the market.

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 failure to ensure that funds are distributed equitably and fairly across the various sectors of the market, and ensuring that our providers use the funding in accordance with the HCV conditions. To mitigate these risks the care and independence team have a funding group to ensure the oversight and management of all grant funding streams, ensuring that there is a process in place to communicate the grant requirements, as well as ensuring providers are signed up to a legal agreement with conditions. To support the management of risk, the funding stream will be audited and outstanding issues followed up with providers

<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