



North  
Northamptonshire  
Council



West  
Northamptonshire  
Council

Item no: 7b

## Shared Services Joint Committee

### 19th January 2022

<b>Report Title</b>	Deprivation of Liberty Safeguards (DoLS) Disaggregation
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<b>Executive Member</b>	Cllr Helen Harrison. Executive Member for Adults, Health and Wellbeing, NNC Cllr Matt Golby, Portfolio Holder for Adult Care, Wellbeing and Health Integration, WNC

<b>Key Decision</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

#### List of Appendices

None

#### 1. Purpose of Report

- 1.1. To seek approval to proceed with the disaggregation of the Deprivation of Liberty Safeguards service that is currently hosted by North Northamptonshire Council (NNC) and provided to West Northamptonshire Council (WNC.)

#### 2. Executive Summary

- 2.1. The Deprivation of Liberty Safeguards service is intending to disaggregate before April 2022.

- 2.2. On 6<sup>th</sup> October the Joint Committee Shared Service approved to bring forward the timeline for disaggregating the Deprivation of Liberty Safeguards from October 2022 to before April 2022.
- 2.3. The Deprivation of Liberty Safeguards is a statutory service and applies only in England and Wales and arose from an amendment to the Mental Capacity Act (MCA) 2005. The DoLS framework under the MCA may authorise the deprivation of liberty of an adult (18+) who has been assessed by a Best Interest Assessor as lacking capacity to consent to being admitted to a care home or hospital to receive proposed care/treatment. The Deprivation of Liberty Safeguards process ascertains if it is in the adults' best interests to be deprived of their liberty in order to receive the proposed care and treatment at a care home or hospital. In order to lawfully deprive a person of their liberty in the provision of care and treatment, care homes and hospitals (known as 'managing authorities'), must request a Deprivation of Liberty Safeguards standard authorisation from the relevant local authority (supervisory body). This is granted where it has been established that six separate assessments have been met.

### **3. Recommendations**

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#### **3.1. The Joint Committee (Shared Services)**

- a) Approve to disaggregate the Deprivation of Liberty Safeguards service in its current form by April 2022.
- b) Approve to create one additional Team Manager post in the West (as set out in section 7.1) to enable each newly disaggregated Deprivation of Liberty Safeguards service to be led effectively.
- c) Grant delegated authority to the Monitoring Officers for North and West Northamptonshire Councils to take any further decisions and actions necessary to implement the recommendations and conclude the requirements of the exit plan for IAA schedule 2A4.

#### **3.2. Reason for Recommendations**

- The proposed option to disaggregate the Deprivation of Liberty Safeguards service adopts and adheres to the Local Government Reform blueprint, outlining services such as this, that are hosted for a period of time prior to safely and legally disaggregating.
- The Council (or customers) will receive the maximum benefit from the option proposed by localisation of service delivery.

#### **3.3. Alternative Options Considered**

- Not to disaggregate and remain as a service hosted by North Northamptonshire Council and provided to West Northamptonshire Council. This option would be counter to the approval and adoption of the Disaggregation Blueprint by North Northants Shadow Executive Committee on 24 September 2020.

#### **4. Report Background**

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- 4.1. Since the launch of the two new unitary authorities in April 2021, the Deprivation of Liberty Safeguards service (a team consisting of 10 posts, with 3 current vacancies) has been hosted by North Northamptonshire Council (NNC) for a period and currently delivers the statutory duty of running the service for both NNC and WNC.
- 4.2. An Impact and Options Assessment was completed, where options and recommendations around the future service structures and the impact that this would have on disaggregating the services, based on time and cost implications, as set out within section 5. The outcomes of which have meant that each authority has a slightly different preferred approach towards the formation of the service following disaggregation. Both authorities recognise the need to balance the provision of service delivery against other factors and are therefore working to initially implement viable service delivery models from the outset.
- 4.3. To facilitate this approach, it is therefore recommended to disaggregate the existing service in its current form and allow each authority to move separately towards two new delivery models after disaggregation, which will be reported to each individual council for approval according to corporate governance.

#### **5. Issues and Choices**

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- 5.1. **Staffing** - Three service structures were appraised and option 2 is the recommended option, as endorsed by Joint Officers Board on 15<sup>th</sup> December 2021.

<b>Options</b>	<b>Benefits</b>	<b>Dis-benefits</b>
Option 1 – Remain as a hosted service	No disruption to the team or service  Economies of scale will allow for flexibility of staff being able to work across a wider area.	Lose localisation (based at Olympus House, West Northamptonshire Council) as the team are further away from their customers in the North  Reliance on two authorities' decision making which delay processes and decisions
Option 2 – Splitting the team in half and creating an additional Team Manager post that will be placed in the West.	More control over backlog and decision making for both authorities  Better planning for future implementation of Liberty Protection Safeguards across each Local Authority's	Requirement to fund an additional Team Manager post from within existing budgets

	<p>population/ demographics</p> <p>Enhanced service delivery with a more area-focused approach</p> <p>Strengthen each authority's position in readiness for service improvements required going forwards.</p>	
Option 3 – North Northamptonshire Council to retain service and structure and West Northamptonshire Council to create their own	<p>May allow workers their choice of employer</p> <p>No change for North Northamptonshire Council</p>	<p>Risk to West Northamptonshire Council due to lack of staff, and lack of knowledge/skills within admin service</p> <p>May not be an option for West-based admin workers as these posts are almost fully staffed.</p>

**5.2. Timing** – The original Blueprint proposal was to disaggregate the service by October 2022. At the Joint Committee (Shared Services) of 6<sup>th</sup> October 2021, a change request to disaggregate the service by 1<sup>st</sup> April 2022 was approved.

**5.3. Resources** – As a joint project between North and West Northamptonshire Council, it has been agreed that the North Transformation Team provide a lead Project Manager, with a Project Manager also assigned in the West as a supporting role. Enabler resource across both authorities will provide support to the project within the expected timescales however, this is dependent on capacity and has been included as a risk.

**5.4. Budget** – Both Councils will meet the funding requirements through a review and realignment of existing budgets across the teams as required - including the DoLS service. No additional base budget is required to fund the service from either Council.

## 6. Next Steps

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6.1. A decision is to be made by the Directors of Adult Social Services and the Assistant Directors of the respective service area to agree employee allocation across North and West Northamptonshire Council against the disaggregation principles agreed with the Trades Unions.

## **7. Implications (including financial implications)**

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### **7.1. Resources and Financial**

- 7.1.1. There are no resources or financial implications arising from the proposals and all costs arising will be met within existing base budgets.
- 7.1.2. To fully fund each structure (including vacant posts) would cost approximately £208,678 and with on-costs would total £265,022 (for each Council)
  - i. The Team Manager post will need to be duplicated in the West and at mid-point salary grade will cost £41,318 (£52,474 including oncosts.)
  - ii. The Senior Business Relations Officer and Business Relations Officer are unique posts and it is not known which authority will employ either post.
    - The Senior Business Relations Officer will cost £22,110 (£28,080 including oncosts)
    - The Business Relations Officer will cost £19,528 (£24,800 including oncosts)
- 7.1.3. North and West Northamptonshire Council will meet the funding requirements through a review and realignment of existing budgets across the teams as required - including the Deprivation of Liberty Safeguards service. No additional base budget is required to fund the service from either Council.

### **7.2. Legal and Governance**

- 7.2.1. The Shared Service Joint Committee is responsible for “ensuring there are robust plans for any disaggregation of services and that there is a smooth transition to new service delivery arrangements”. They are also responsible for ensuring that statutory arrangements are in place for each Council.
- 7.2.2. The Deprivation of Liberty Safeguards is a statutory service which is currently hosted by North Northamptonshire Council and provided across North and West Northamptonshire. Upon the termination of this hosted Inter-Authority Agreement arrangement, an Exit Strategy will be put in place.
- 7.2.3. As part of the disaggregation process, employees will undergo a consultation period where the outcome of employee allocation will be determined, and some employees will transfer across to West Northamptonshire Council under TUPE rules and against the disaggregation principles agreed with the Trades Unions.

### **7.3. Relevant Policies and Plans**

7.3.1. The disaggregation of the Deprivation of Liberty Safeguards complies with the requirements of the approved Blueprint, whereby it outlines the hosted services in each authority that require disaggregating.

### **7.4. Risk**

7.4.1. There are no significant risks associated with this proposal. Project risk is managed through the project governance process.

### **7.5. Consultation**

7.5.1. Consultation with affected employees, supported by the Trades Unions, commenced on 15th December 2021 and will finish no earlier than 19th January 2022, which allowed for the Christmas break.

### **7.6. Consideration by Executive Advisory Panel**

7.6.1. No considerations arising from this report.

### **7.7. Consideration by Scrutiny**

7.7.1. No considerations arising from this report.

### **7.8. Equality Implications**

7.8.1. At present it is not possible to fully assess the actual impact on all protected characteristic groups, at this point in the process. During consultation, the situation will be reviewed and as any impact becomes apparent, appropriate mitigating action will be taken (where this is possible.)

7.8.2. Standard Council HR policies and procedures will apply, and all of these have been equality impact assessed.

### **7.9. Climate Impact**

7.9.1. None arising from this report.

### **7.10. Community Impact**

7.10.1. This proposal will deliver a positive community impact because the disaggregated NNC team will be relocated to offices within North Northants, enabling them to be located closer to their customers and to gain greater awareness of local service demands.

### **7.11. Crime and Disorder Impact**

7.11.1. None arising from this report

## **8. Background Papers**

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### **8.1. Change request to bring forward disaggregation.**