

## **EXECUTIVE CABINET**

**27 May 2020**

**Comm: 1.50pm**

**Term: 2.20pm**

**Present:** Councillors Warrington (Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen, Ryan, Wills

<b>In Attendance:</b>	<b>Dr Ashwin Ramachandra</b>	<b>Co-Chair of NHS CCG Tameside &amp; Glossop CCG</b>
	<b>Dr Asad Ali</b>	<b>Co-Chair of NHS CCG Tameside &amp; Glossop CCG</b>
	<b>Steven Pleasant</b>	<b>Chief Executive &amp; Accountable Officer</b>
	<b>Sandra Stewart</b>	<b>Director of Governance and Pensions</b>
	<b>Steph Butterworth</b>	<b>Director of Adults Services</b>
	<b>Ian Saxon</b>	<b>Director of Operations &amp; Neighbourhoods</b>
	<b>Richard Hancock</b>	<b>Director of Children's Services</b>
	<b>Jayne Traverse</b>	<b>Director of Growth</b>
	<b>Jeanelle De Gruchy</b>	<b>Director of Population Health</b>
	<b>Sarah Threlfall</b>	<b>Assistant Director, Policy, Performance &amp; Communications</b>
	<b>Simon Brunet</b>	<b>Head of Policy, Performance &amp; Intelligence</b>

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest received from Members.

### **2. MINUTES OF EXECUTIVE CABINET**

#### **RESOLVED**

That the Minutes of the meeting of the Executive Cabinet meeting held on 22 April 2020 be approved as a correct record.

### **3. MINUTES OF STRATEGIC COMMISSIONING BOARD**

#### **RESOLVED**

That the Minutes of the meeting of the Strategic Commissioning Board held on 22 April 2020 be noted.

### **4. MINUTES OF THE COVID RESPONSE BOARD**

#### **RESOLVED**

That the Minutes of the meetings of the COVID Response Board held on: 29 April, 6 May and 13 May 2020, be noted.

### **5. FINANCE REPORT – OUTTURN 2019/20 AND 2020/21 FORWARD LOOK**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, providing details of:

- Consolidated 2019/20 Revenue Monitoring Statement at 31 March 2020;
- Capital Programme Outturn Report 2019/20; and

- Forward Look 2020/21 Financial Position

It was reported that, for the 2019/20 financial year the Integrated Commissioning Fund had spent £619,675K, against a net budget of £619,662k. Further details were given in Appendix 1 to the report. It was explained that the small overspend of £13K on Council budgets would be met from general reserves. Delivery of the budget had only been possible as a result of several significant non recurrent financial interventions, including one-off savings and additional one-off income, and a planned use of £9.3m of Council Reserves. It was noted that significant overspends were included in the overall position across a number of service areas, including Children's Services, which had spent £8.4m in excess of budget. This and other pressures would continue into 2020/21.

The Capital Programme Outturn for 2019/20 was provided in Appendix 2 to the report and provided a forward look to the financing of the 2020/21 Programme. It was explained that the existing 2020/21 programme was dependent on the realisation of planned capital receipts. The current and forecast economic conditions meant there was an increased risk that capital receipts may not be achieved or that values were diminished. If additional capital receipts could not be realised, there was a risk that the Capital Programme was not financially sustainable.

An initial forward look at the financial position for 2020/21 was provided in Appendix 3 to the report, taking account of the potential impacts of COVID-19 and the underlying financial pressures within the 2019/20 outturn position. Members were informed that the Strategic Commission entered 2020/21 with an existing budget gap which increased significantly over the next five years. Initial modelling of the expenditure and income pressures arising from COVID-19, both in 20/21 and future years, suggested that the Strategic Commission faced significant questions about financial sustainability, particularly for Council budgets.

## **RESOLVED**

- (i) **That the overall outturn position for 2019/20 as set out in Appendix 1 to the report, be noted. Whilst the overall position for 2019/20 is in line with budget, this includes several significant one-off savings and additional income sources. The budget was also set assuming the use of £9.3m of Council Reserves;**
- (ii) **That the Capital outturn position and financing for 2019/20, and the capital financing risks for 20/21 and beyond as set out in Appendix 2 to the report, be noted;**
- (iii) **That the re-profiling of £5.344m of Capital Budgets to reflect up to date investment profiles, be approved;**
- (iv) **That the updated Prudential Indicator position which was approved by Council in February 2019, be approved;**
- (v) **That the budget virement of £178k to Vision Tameside from Vision Tameside Public Realm, be approved;**
- (vi) **That approval be given for the reprioritisation of corporate funded capital budget of £110k for Godley Green be returned to the funding pot following approval of the £10m from Homes England; and**
- (vii) **That the potential financial scenarios and risks for 2020/21 and beyond as set out in part 3 and Appendix 3 to the report, be noted.**

## **6. HUMANITARIAN HUB**

The Executive Leader / Director of Governance and Pensions / Assistant Director, Policy, Performance and Communications, submitted a report outlining all the current support provided by the Humanitarian Hub to vulnerable local residents, which was established in response to the Covid-19 pandemic outbreak. It identified that the Hub's operations had already evolved due to Covid-19 being a fast moving situation, and the support it provided would need to evolve as the Covid-19 pandemic continued to change. The report thus provided a series of proposals identifying specified phases in the Humanitarian Hub's future support response as there was a move into the 'recovery' phase and manage Covid-19 in the longer term. These phases detailed a

gradual shift away from the emergency response to supporting residents struggling with the long-term impacts of the pandemic and associated control measures. Eventually, it envisioned that the intelligence obtained from the Humanitarian Hub's operations would drive the re-design of support services.

## **RESOLVED**

- (i) That the outlined proposals for the four phases of continued activity of the Humanitarian Hub, as detailed in the report, be approved;**
- (ii) That the introduction of payment for food packages for those who are able to pay as above income thresholds, be approved.**

## **7. PROCESS FOR EXERCISING THE CARE ACT EASEMENTS GUIDANCE**

Consideration was given to a report of the Executive Member, Adults Social Care and Health / Director of Population Health, which set out the circumstances and conditions under which the Council could exercise the easements to the Care Act 2014 as referenced in the Coronavirus Act 2020.

It was explained that the Government recognised that local authorities and care providers were facing rapidly growing pressures as more people needed support because unpaid carers were unwell or unable to reach them, and as care workers had to self-isolate or were unable to work for other reasons. The Government had put in place a range of measures to help the care system manage these pressures. The Council must continue to do everything it could to continue meeting its existing duties prior to the Coronavirus Act provisions coming into force.

It was stated that the changes fall into four key categories, each applicable for the period the powers were in force, guidance had been set out which detailed how each of these powers should be applied should they be necessary:

Stage 1 - the Council should continue operating under pre-amendment Care Act.

Stage 2 - A policy decision would be made to change, delay or cancel "service types" by changing the way in which assessed needs can be met.

Stage 3 - This would be a policy decision to decide that the Council would not be subject to a duty to assess, consider eligibility and review in accordance with Care Act duties. This would also cover the requirement to carry out financial assessments, providing care and support plans and meeting eligible needs. Any decisions on these areas should be separated and the rationale and evidence base recorded.

Stage 4, this would entail a policy decision to make a whole system of prioritisation of care and support across adult social care. This would be where it becomes clear that whole system prioritisation was needed to ensure that at least the Convention Rights of those in need of care and support and their carers were respected.

Members were informed that the Council would be expected to observe the Ethical Framework for Adult Social Care. This Framework provided a structure for the Council to measure its decisions against and reinforced that the needs and wellbeing of individuals should be central to decision making. In particular, it should underpin challenging decisions about prioritisation of resources where they were needed.

The easements had taken legal effect on 31 March 2020, but should only be exercised by Local Authorities where it would be essential in order to maintain the highest possible level of services. These easements would be temporary and would be kept under review and would be terminated as soon as possible. All assessments and reviews that were detailed or not completed would be followed up and completed in full once the easements were terminated.

The Care Quality Commission would continue to provide oversight of providers under existing legislation, the CQC had indicated an intention to adopt a pragmatic approach to inspection and proportionate action as necessary while maintaining its overriding purpose of keeping people safe.

It was stated that the Council should only take a decision to begin exercising the Care Act easements when the workforce was significantly depleted, or demand on social care increased to an extent that it was no longer reasonably practicable for it to comply with its Care Act duties and where to continue to try to do so is likely to result in urgent or acute needs not being met, potentially risking life. The decision should be communicated to all providers, service users and carers and should be reported to the Department of Health and Social Care.

It was reported that there were 616 staff employed across Adult Services. Less than 8% of staff across the whole service were currently either sick, isolating or shielding so unable to provide operational support. At present the levels of absence were being managed and there was no impact on service delivery. It was anticipated that the expansion of testing will increase the number speed that staff were able to return to work.

Members were advised that there could be a temporary loss in income should the Council be in a position where it would determine that it had insufficient capacity to carry out financial assessments. Clear information would be provided to an individual at the start of the assessment process that would explain that a financial assessment would be undertaken retrospectively and that this could result in an invoice for a financial contribution towards the cost of their care at some point in the future. The Council would remain under a duty to meet needs where failure to do so would breach an individual's human right under the European Convention on Human Rights. It was pointed out this was a significant interim temporary Policy change that would only be implemented in extreme circumstances of inability to deliver the existing legal requirements. Members were advised that there was currently there was no intention to exercise any easements and they would be first to know if the Council was to exercise as the service would be in serious difficulties.

#### **RESOLVED**

- (i) That the new time limited powers given in the Coronavirus Act 2020 and the Care Act easements: guidance for local authorities (1 April 2020) be acknowledged;**
- (ii) That the decision making process set out in the report and more particularly in Appendix 2 to the report, be approved; and**
- (iii) Given the draconian nature of these easements that the Executive Cabinet be notified if any easements are triggered and a review of the process and whether still required be considered in 12 weeks.**

#### **8. ONE EQUALITY SCHEME ANNUAL REVIEW 2020 AND GENERAL EQUALITIES UPDATE**

Consideration was given to a report of the Executive Leader / Executive Member, Lifelong Learning, Equalities, Culture and Heritage / CCG Co-Chairs / Assistant Director, Policy, Performance and Communications, providing:

- an update on developments of the One Equality Scheme, as part of the annual review for 2020; and
- an update on some key equality and diversity related projects that the Strategic Commission had delivered or been part of during the last 12 months.

It was explained that One Equality Scheme (2018-22) was launched in 2018 as the first joint equality scheme for Tameside & Glossop Strategic Commission. A number of joint equality objectives were developed to ensure obligations under the Equality Act 2010 regulations were fulfilled, in that equality objectives must be published at intervals not greater than four years from the date of last publication.

The Equality Act also stated that public bodies must publish annual information to demonstrate compliance with the general duty, including information about the protected characteristic status of employees, and other persons affected by policies and practices. Information about the protected characteristic status of employees for 2019/20 would be published for the Council and CCG by the end of June 2020.

Annual updates to the One Equality Scheme would act as an ongoing position statement and the approach to equalities. The annual review built upon work outlined in the One Equality Scheme (2018-22) and One Equality Scheme Annual Review (2019); as well as providing new examples and evidence sources of achievements in respect of equality and diversity. Engagement, consultation and equality champions were invited to submit examples for inclusions. Input had also been provided by Single Leadership Team, Senior Management Group, QPAG and Primary Care Committee.

A copy of the One Equality Scheme Annual Review 2020, was appended to the report.

Details were given of key equality and diversity related projects that the Strategic Commission had delivered or been part of during the last 12 months, as follows:

- The humanitarian response to the covid-19 crisis to date;
- NHS England Equality Delivery System 2 (EDS2);
- Workforce Race Equality Standards (WRES);
- All Equals Charter;
- Race Equality Change Agents Programme (RECAP); and
- Greater Manchester Women and Girls Panel

It was noted that these supported the commitment to delivering on the equality objectives and ensuring that the requirements set out in the Public Sector Equality Duty, were adhered to.

The Chair and Members thanked all involved for a very thorough and informative report.

#### **RESOLVED**

- (i) That the content of the report, including the equalities update, be noted;**
- (ii) That the One Equality Scheme Annual Review 2020, as appended to the report, be approved for publication.**

#### **9. URGENT ITEMS**

The Chair reported that there were no urgent items for consideration at this meeting.

**CHAIR**