

NORTH YORKSHIRE COUNTY COUNCIL

DECISION RECORD

Re: Exercise of Care Act Easements within Health and Adult Services

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

This form should be used to record:

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
 - (i) under a specific express authorisation; or**
 - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
 - **grant a permission or licence;**
 - **affect the rights of an individual; or**
 - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

(One form per decision)

The following decision has been taken: -

After consideration of a report (with an exempt Appendix) of the Corporate Director for Health and Adult Services detailing the new emergency powers which could be acted upon by Health and Adult Services, in line with the newly enacted Coronavirus Act 2020 which set out the four key changes to the Care Act 2014 and decision-making process for local authorities; and after consultation with Executive Members, the Chief Executive Officer agreed that:

- (i) A new operating model for adult social care be implemented (as set out in section 3 and Appendix 1 of the report), in response to the national Hospital Discharge Requirements, working with the NHS, using existing Care Act and other legislation, as is now, until such time as emergency powers under the Coronavirus Act 2020 need to be invoked.
- (ii) A new model of delivery for adult social care be implemented, at such time as the situation requires during the Covid-19 pandemic, that will:
 - assist the NHS in freeing up North Yorkshire's share of 30,000 NHS beds nationally
 - enable urgent work to support people living in the community who have a Covid-19 diagnosis or symptoms (particularly where people are at the end stage of their lives)
 - ensure that, whilst taking account of the national legislation and guidance and the prioritisation necessitated by the Covid-19 response a) people requiring urgent social care assessment and/or support for non-Covid-19 issues continue to be offered an appropriate level of advice, information and support and that

b) people with current and ongoing needs receive appropriate support which may include alternative arrangements to their normal service.

- (iii) The power to invoke measures as set out in the Coronavirus Act 2020 and in the report, be delegated to the Corporate Director Health and Adult Services (as the Council's statutory director of adult social services), and that the Chief Executive Officer take that decision in consultation with the Executive Member for Adult Social Care and Health Integration, the Assistant Chief Executive (Legal and Democratic Services), and following advice from the Director of Public Health and the Assistant Directors with responsibility for adult social care.
- (iv) Any triage or case/review decisions as set out in section 5 of the report and in Appendix 2 be documented.
- (v) If emergency powers are invoked as set out in the report, the situation be reviewed fortnightly by the Corporate Director for Health and Adult Services in consultation with the Assistant Director / Chief Social Care Practitioner (or in their absence, the Head of Practice), or their nominated representatives, as per Government guidance.

By whom: Richard Flinton, Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members.

On: 7 April 2020

Was this an executive decision?

YES/NO

If an executive decision, was it also a key decision?

YES/NO

Please note that although call-in was exempted in relation to this decision by the Chairman of the County Council under Overview and Scrutiny Procedure Rule 16(h), timescales are such that the decision can now be subject to a call in period.

Reasons for decision: -

For the reasons set out in the 'Decision taken' box above and in the report and to allow the Council to respond promptly to local needs and to assist in the urgent delivery of services to the public arising from the impact of the Covid19 pandemic.

Details of any alternative options considered and rejected: -

Conflicts of Interest

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?
County Councillor Michael Harrison declared an interest in this Item as a relative of his works in Health and Adult Services.	Yes, he has been granted a dispensation by the Standards Committee on 3 January 2019 to fully take part.

Background Papers

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed
RICHARD FLINTON, Chief Executive Officer

Publication Date: 9 April 2020

Directorate – Central Services

Note 1 regarding Executive decisions only: This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).

Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.

Contact for further information: richard.webb@northyorks.gov.uk

Contact for copy of report considered: richard.webb@northyorks.gov.uk

(Please note some parts of the report and appendices contain exempt information and are therefore not for publication)

To: The PA to the Assistant Chief Executive (Legal and Democratic Services) - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer