

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:
1617124
Recruitment Ref N/A

Box 1

DIRECTORATE: LOCYP

DATE: 19/09/16

Contact Name: Leanne Hornsby

Tel. No: 34865

Subject Matter: Extend the existing post of Market Development Officer from a two year fixed term contract to a three year fixed contract.

Box 2

DECISION TAKEN:

- To extend the currently established role of Market Development Officer (Traded Services for Schools) (Grade 9) from a two to three year fixed term contract

Market Development Officer (Traded Services to Schools)

The post holder will support the Head of Business Transformation and Business Support to ensure that services traded to schools are of high quality, financially viable, operating with a sustainable commercial model. .

- To promote of traded services across the Council and as part of Doncaster's partnership relationship with schools.
- To act as the account/business manager for traded services and where services are not delivering, work with services to develop an improvement plan.
- Work closely with the Learning and Achievement service, schools and Council services, to strengthen the partnership relationship so that traded services activity impacts positively on standards of teaching and learning.
- To support the Head of Business Transformation and Management Support to ensure that there is an up-to-date business plan for traded services and that key activities are delivered.
- Report to the Council's Trade Services to Schools Board, School's Forum and monitoring boards in accordance the Commercialisation governance structure to ensure that business targets are met.
- Work with the Strategy and Performance Unit and finance support to develop and manage benchmarking techniques and monitoring reports, including full cost recovery.
- Develop, co-ordinate, manage and maintain a robust governance structure aligned to the Council's overall commercialisation and school's governance ensuring a consistently high level of customer focus.
- Work with the Chamber of Commerce to manage trade events for services to schools.
- To adopt the Council's preferred project management approach:
 - Development and definition of the scope of the programme
 - Implement a full cost recovery model
 - stakeholder management
 - estimating, budgeting and cost management

- modelling, testing and performance management
- project / programme planning including scheduling and resource management
- risk management
- issues management
- change control
- lessons learnt
- Working with the Council's Strategy and Performance Unit establish performance management systems each traded service area including project specific success criteria, gather evidence and report on impact.
- To build positive relationships with schools and other partners to ensure that disputes are resolved in a timely manner and to ensure that developments are consistent with both school and Council requirements, ensuring that services are competitive, commissioning ready and marketable.
- Working with the Digital Council programme, develop eSystems support the publication, selection and monitoring of traded services.
- Maximise income potential through the development and implementation of a full cost recovery model.
- Develop a mixed economy model of charges, including extended and clusters of contracts, maximising economies of scale for both the Council and service users.
- Develop a market strategy to ensure maximum reach for services as an integrated offer, ensuring consistency across all areas.
- Support services in being commissioning ready, including drawing up robust specifications which can be market tested.

Box 3

REASON FOR THE DECISION:

The requirements associated with this post have been identified as a fixed term priority to support the work of the Directorate's change programme. This role has been pursued completion of critical programmes to support a response to the organisation's requirements in relation to recent national policy changes identified in the Education White Paper and the preparatory work associated with the development of the 'Future Council', thus mitigating any short to medium term reputational risk and/or further delay for the implementation of these programmes, whilst ensuring alignment with the Council's key programmes and strategies.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

A review of existing resources was undertaken, indicating that there were no readily available resources to deploy to these activities. The initial requirement was for a fixed term period of two years, however, this has proved difficult to recruit to, therefore it is proposed to extend the contract to three years, making it more attractive and secure

for the successful candidate. Longer term, it is anticipated that the Market Development Officer role, will generate sufficient additional income to warrant/cover the costs of the post if required in the future years.

Box 5
LEGAL IMPLICATIONS:

It is assumed the Employee will be employed by the Council.

S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be determined by job evaluation. The Council has policies to deal with recruitment which should be followed.

Given the nature of the post required it is advisable to set up a temporary contracts for a fixed term. Any employee regardless as to whether or not they are employed for a fixed term, part time or otherwise obtain certain employment protection, which includes protection from unfair dismissal after 2 year's employment service. In order for liability in relation to, inter alia, unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the commencement of the contract. After the 4th year of renewal the Employee may be entitled to the position on a permanent basis.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

If the length of the contract exceeds 1 year upon termination the Employee will be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

If the Council terminates the contract early, then there may be some liability for payment of the outstanding salary to the employee unless a suitable break clause is included. Therefore terms of the contract must therefore be carefully considered to avoid additional liability and/or financial loss.

If the temporary employees are sourced through an agency care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to. There are no legal restrictions on the use of Agency workers for a local authority. There is a legal obligation to consider best value and therefore it is recommended that there be regular reviews of the decision to use agency staff to ensure this obligation is being met. There should also be a contract that sets out the terms of assignment in place prior to the commencement of the role.

Name: Helen Wilson **Signature:**  **Date: 20/09/16**
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The original decision record established 2 fixed term posts with an estimated start date from mid July 2016. The Development Advisory Officer has been appointed to, but the revised start date for the Market Development Officer is mid-October 2016. The costings have been updated in the table below:-

Post	Grade	2016/17 £	2017/18 £	2018/19 £	2019/20 £	Total £
Market Development Officer	9	19,678	43,363	43,793	23,954	130,788
Development Advisory Officer	8	25,071	35,748	10,530	0	71,349
Total Cost		44,749	79,111	54,323	23,954	202,137
Schools Forum Budget		-9,900	-21,700	-21,900	-12,000	-65,500
LOCYP – GF & Reserves		-34,749	-57,411	-32,423	-11,954	-136,637
Total Funding		-44,749	-79,111	-54,323	-23,954	--202,137

The gross additional cost of the extension up to 3 years is £44,240. Funding from the Schools Forum is due to be confirmed at their meeting on 13th October 2016. The balance of funding, which has increased by £18,740 will be managed from a combination of LOCYP general fund budget (development pot), earmarked children's improvement reserve and service transformation funding, which has been set out in the LOCYP Transition Change and Transformation Programme report agreed by Executive Board dated 25th April 2016 and ratified by Cabinet in the Q4 Finance and Performance Monitoring report on 21st June 2016.

Name: Kathryn Black **Signature**  **Date:** 20.09.16

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 7**HUMAN RESOURCE IMPLICATIONS:**

JEID 7027 – Market Development Officer - Grade 9 confirmed

Human Resources will continue to support the extension of the above

Employees who were employed before 6 April 2012 and have 1 year's continuous service, or after 6 April 2012 and have at least two years continuous service, accrue employment rights. Employees who complete 2 years continuous service accrue rights to a redundancy payment.

Fixed-term employees have the right not to be treated less favourably than comparable permanent employees because they are on a fixed-term contract. This means you must treat fixed-term employees the same as comparable permanent employees unless there are 'objectively justifiable' circumstances for not doing so (ie there is a genuine, necessary and appropriate business reason). This means the same or equivalent (pro-rata) pay and conditions, benefits, pension rights and opportunity to

apply for permanent positions within the business.

Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employees who have been on a fixed-term contract for four years or longer will usually be legally classed as permanent if their contract is renewed or if they are re-engaged on a new fixed-term contract.

The only exemptions are when employment on a further fixed-term contract is objectively justified to achieve a legitimate business aim or when the period of four years has been lengthened under a collective or workplace agreement.

The portal will also need to be updated in terms of the contract extension.

Name: T Law Signature [REDACTED] Date: 20.9.16
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8
PROCUREMENT IMPLICATIONS:

There are no direct procurement implications associated with this report. However should the decision be taken at some point in the future to use agency staff to fulfil the roles then Contract Procedure Rules will apply.

Name: Shaun Ferron Signature [REDACTED] Date: 20/09/16
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9
ICT IMPLICATIONS:

There are no direct ICT implications in relation to the decision to extend the existing post of Market Development Officer from a two year fixed term contract to a three year fixed contract

A business case relating to the development of systems to support the publication, selection and monitoring of traded services was considered and agreed by the ICT Governance Board (IGB) at their meeting on 31/8/16.

Name: Peter Ward (ICT Strategy Programme Manager)
Signature: [REDACTED] Date: 21/09/16

Signature of Assistant Director of Customers, Digital & ICT
(or representative)

Box 10**ASSET IMPLICATIONS:**

Any requirement that might arise for additional accommodation or the reconfiguration of existing workstations to support the appointments as outlined should be directed to the Assets Transformation team in the first instance in order that such needs can be provided for in line with the Council's wider Assets Transformation programme and WorkSmart strategy.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)

Signature: [REDACTED] **Date:** 20th September, 2016

Signature of Assistant Director of Trading & Assets (or representative)

Box 11**RISK IMPLICATIONS:****To be completed by the report author**

This post was established in June 2016 and has proved difficult to appoint to. The extension of this contract to three years will secure appointment, offering greater security to the postholder. The work to review and develop the traded services offer to schools is underway and this role is critical to the development and implementation of the traded services to schools. This role is part of a response to provide additional and dedicated resources to ensure that the Directorate and wider Council can deliver against transformational programmes, ensuring release of historical, existing and future savings, therefore failure to appoint to these roles, will adversely affect the Directorate's ability to impact on both the financial savings targets, the implementation of national policy changes as well as sustaining existing and developing new commercial services traded to schools.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12**EQUALITY IMPLICATIONS:****To be completed by the report author**

The implementation of the transformation programme and the work of the education commission and schools respectively, involving significant consultation with key stakeholder, including the development of a stakeholder reference group, ensuring that developments, included traded provision by DMBC is fit for purpose and beneficial to children, young people and their families, as well as wider citizens of Doncaster.

As part of this programme development, consultation will include partners across the area.

Name: Leanne Hornsby
(Report author)

Signature [REDACTED]

Date: 19.09.16

**Box 13
CONSULTATION**

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

**Box 14
INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full redacting signatures only.

**Name: Dawn Wilson Signature: [REDACTED] Date: 26 October 16
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: 
Director
Learning Opportunities and Skills (DCS)

Date: 21.09.16

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**