

OFFICER DECISION RECORD

For the issues listed below please also complete the relevant annex

Annex 2 - Restructures

Annex 3 - New Capital schemes including leases or changes to existing to schemes

Annex 4 – Approval to draw down Capital allocation

Decision Ref. No:

AHWB.034.2017Contract
Extension DS Agency

Box 1

DIRECTORATE: Adults Health & Wellbeing

DATE: 25/04/2017

Contact Name: Debbie John-Lewis

Tel. No.: 737213

Subject Matter: Agency Contract Extension – In House Service Provision - Backfill Arrangements (Aligned to previous ODR 2016A&C296 – 2015A&C256)

Box 2

DECISION TAKEN:

To approve a 6 month extension to the In-House Service Managers contract currently commissioned through Reeds recruitment Agency.

This extension is required to backfill the substantive Head of Service post who is currently seconded into the Assistant Directors post for Communities for a period of six months.

This agency contract extension will be effective from the 3 May 2017 until the 31 October 2017.

Box 3

REASON FOR THE DECISION:

Approval to backfill a proportion of the Head of services duties was initially granted in May 2016 to create some extra capacity to deliver the immediate business improvements identified within In-House Service Provision.

The Service Manager post was filled via an agency worker as attempts to appoint into a temporary contract through internal and externally recruitment processes was unsuccessful.

The postholder has become well established over the last 12 months and she has made a considerable contribution to the improvements delivered to date.

However, more recently, the Head of Service for In–House Services has secured a secondment into the Assistant Directors (Communities) post for a period of six months (April – September 2017)

Therefore over the next six months it is essential that we retain continuity across the leadership team as well as the level of capacity required to deliver the transformational outcomes and financial efficiencies aligned to the in house services.

Originally the funding for this temporary post came from the transformation fund 2016/17 and it is suggested that this continues during 2017/18. However there will be some underspend deriving from the substantive head of service post during the period of secondment.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

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

Option 1 – Do not extend the agency service managers contract – This void would reduce the capacity and capability to deliver the level of transformation required this year.

Option 2 – Recruit through DMBC internal recruitment processes – This would take too long to complete, plus a change in the leadership team at this point in time would adversely impact on the delivery of the transformation required to achieve the budget savings in 2017/18.

Option 3 – To extend the service managers current contract for a further 6 months – This would offer continuity, capability and capacity to deliver the transformation changes across In House Service provision this year.

Recommendation

Option 3 is recommended

Box 5

LEGAL IMPLICATIONS:

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.

There are no legal restrictions on the use of Agency workers for a local authority. Doncaster MBC has a policy that regulates the use of Agency workers and care must be taken to ensure this policy is followed as when seeking authority to operate

outside the policy this could create a precedent. 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. The current contractual arrangements should be reviewed and updated to include the new terms prior to the commencement of the new arrangement. There are regulations that govern the employment of agency staff which must be followed.

Reed were appointed as the Council's supplier of temporary staff following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules.

In addition it should be noted that from April 2017 the rules relating to the application of the Intermediaries Legislation (IR35) for individuals engaged 'off-payroll' in the public sector will be changing. In summary, the payments we make to such workers will be subject to the application of the new legislation which means that contractors supplying their services through their own personal service companies (PSCs) will be considered to fall within IR35 unless it can be proven otherwise. The application of IR35 will require the Council to deduct and national insurance contributions for all payments made to these contractors after 6 April 2017.

**Name: Helen Wilson Signature: by email Date: 27/04/2017
Signature of Assistant Director of Legal & Democratic Services (or representative)**

Box 6

FINANCIAL IMPLICATIONS:

The estimated additional cost to extend the post until 31/10/17 is £27,300 (at an estimated £2,046 per week)

This cost will be funded from the £2.2m AHWB Transformation Team budget earmarked reserve.

**Name: Paul Williams Signature: by email Date: 03/05/17
Signature of Assistant Director of Finance & Performance
(or representative)**

Box 7

HUMAN RESOURCE IMPLICATIONS:

Human Resources support the extension of this contract for the reasons of continuity outlined in the body of the ODR. Should it be necessary to extend for a further period then consideration should be giving to recruiting to the post on a temporary basis.

**Name: D L Dawson Signature:  Date: 26.04.17
Signature of Assistant Director of Human Resources and Communications(or representative)**

Box 8**PROCUREMENT IMPLICATIONS:**

The Reed contract that this provision is procured under is due to end in September 2020 so it is well within term. There are no procurement implications for awarding an additional 6 months to Reed for the interim arrangement detailed above.

Name: Holly Wilson, Senior Category Manager Signature: 

Date: 09/05/17

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

Box 9**ICT IMPLICATIONS:**

There are no direct ICT implications at this stage. However, where there are technology requirements in relation to the identified service improvements it is essential that the interim and permanent managers work closely with colleagues in ICT and the Digital Council Team as necessary to avoid duplication and ensure the agreed ICT governance processes are followed.

In addition, the Data Protection Officer is responsible for the monitoring and reviewing of network access permissions for agency/non DMBC staff and as such should be made aware of the extension period and revised timescales for system access, where relevant.

Name: Peter Ward (ICT Strategy Programme Manager) Signature: 

Date: 27/04/17

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 extension to contract as outlined should be directed to the Assets & Property team in the first instance in order that such a need 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: By email

Date: 28th April, 2017

Signature of Assistant Director of Trading Services and Assets
(or representative)

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

1. Changes to the leadership team at this moment in time would delay the

delivery of the transformation.

2. Additional capacity is essential to the delivery of the transformation work outlined this year.
3. The financial saving identified in 2017/18 will not be achieved on time without the capability and capacity of a service manager

(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:

The appropriate agency recruitment procedures have been followed and all protected characteristics were considered as part of the recruitment and selection process.

Extending the current postholder contract is in line with policy.

Name: Debbie John-Lewis Signature: by email Date: 25.04.2017
(Report author)

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:

In accordance with the Freedom of Information Act 2000, it is in the Public's interests to publish this decision in full, redacting only the signatures.

Name: Gillian Parker Signature  3/05/2017
Signature of FOI Lead Officer for service area where ODR originates

Box 13

Signed: _____

Director 

Date: 24/5/17

Additional Signature if required for Capital decisions

Signed: _____

Date: _____

- 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