

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:
1718185

Box 1

DIRECTORATE:LOCYP

DATE:9th November 2017

Contact Name: Anita Linsdell

Tel. No.:01302 722054

Subject Matter: Business Support Posts

Box 2

DECISION TAKEN:

To create a temporary Business Support Post (grade 5) for 3 months to cover urgent work in Commissioning Quality and PerformanceTeam pending the functional review.

Box 3

REASON FOR THE DECISION:

Give relevant background information

The essential work carried out in the department is being delivered by an apprentice whose apprenticeship is coming to an end.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

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

The only other option is to stop carrying out the work. However, this is a significant risk to the organisation.

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.

Given the nature of the post required it is advisable to set up a temporary contract 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 (unless they have been employed prior to April 2012 when the Employee only needs 1 years' 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 may 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. The current contractual position therefore needs to be reviewed before agreeing the new terms.

It is important that sight is not lost of the Council's recruitment and retention and vacancy management policies which should be followed.

Name: Helen Wilson Signature: [REDACTED] Date
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The purpose of this report is to approve the creation of a temporary Business Support post for a period of 3 months to cover urgent work pending the functional review. The cost of the proposal, based on 2017/18 pay grades including on costs is as follows:

Post Title	Grade/Basis	Cost in 2017/18 £
Business Support	Grade 5 (SCP 15-16) – temporary for 3 months	Min 5,030 Max 5,150

The post will be funded from existing staffing budgets in the Commissioning, Quality and Performance Team as there is budget available within this financial year due to vacant posts and an apprenticeship coming to an end.

Name: Aaron Bathgate **Signature:** [REDACTED] **Date:** 21.11.2017
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7
HUMAN RESOURCE IMPLICATIONS:

The post has been fully evaluated and confirmed as a grade 5 – ID 7364. Human Resources support the decision to create a temporary role until the 9/02/2018 for the reason provided. Further discussions should take place with the HR & OD Business Manager/Senior Officer prior to any decisions to extend beyond this date. Managers need to ensure the HR Portal is updated.

Name: Sarah Brown **Signature** [REDACTED] **Date:** 22nd November 2017
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

There are no direct procurement implications associated with this ODR.

Name: Shaun Ferron **Signature:** [REDACTED] **Date:** 16.11.17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9
ICT IMPLICATIONS:

In implementing the recommended option within this ODR, the Recruiting Manager should **consider** the ICT and Technology needs of the recruited resources and ensure timely notification is made to ICT via i-Serve, for the creation of accounts, access to technology and systems.

The Recruiting Manager must also ensure that all mandatory training in respect to data quality and protection is undertaken by any new recruits as well as familiarisation with acceptable use policies as set by the Council and its SIRO.

Any additional technology requirements to those listed above, must be submitted via the prescribed Business Case pro-forma for consideration by the ICT Governance Board.

Name: Peter Ward (Governance & Support Manager)

Signature: [REDACTED]

Date: 20/11/17

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 recruitment proposal 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 WorkSmart strategy.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: [REDACTED]

Date: 16th November, 2017

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

Box 11

RISK IMPLICATIONS:

To be completed by the report author

Essential work will remain undone as there is no capacity in the Directorate

(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:

Development of and recruitment to this post will have due regard to the Equalities Act 2010

Name: Anita Linsdell **Signature:** [REDACTED] **Date:** 22/11/07

(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:**

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: Anita Linsdell Signature: [REDACTED] Date: 16/11/17
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: _____ **Date:** 22 November 2017

Director of People

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**