

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:
1718195

Vacancy: N/A

Box 1

DIRECTORATE: L&OCYP

DATE: 22.12.17

Contact Name: Alison Leeming

Tel. No.: 01302 735096

Subject Matter: SAIDSEND support officer

Box 2

DECISION TAKEN:

Approval is given by this decision record for the local authority to recruit a SAIDSEND support officer at Grade 5 for an initial period of 3 months by agency and up to 8 months pending the conclusion of the functional review to provide business support and phone call triage to the SAIDSEND service.

Box 3

REASON FOR THE DECISION:

Give relevant background information

A service analysis has outlined many areas in which the service is not currently meeting its statutory obligations. Without this post there is minimal capacity within the SAIDSEND team to provide the IASS to the number of families which are requesting it. The role of the SAIDSEND support officer is to be the first point of call for families contacting the service over the phone/via email. They will provide initial information and advice and keep records of all contact that has taken place.

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 meet capacity needs and continue to not meet statutory obligations.

Option 2: recruit full time post to ensure needs are met in the long term.

Option 3: recruit fixed term, temporary post to meet immediate business need.

Option 3 is the preferred option as it allows us to meet our statutory obligations but also means that we have not committed to a new post before the completion of the function review.

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. Therefore the only considerations must be whether or not the appointment is necessary and whether the terms and conditions are reasonable in the particular circumstances. The grading of any position is subject to the outcome of a job evaluation/grading exercise being undertaken.

The Council has policies covering recruitment which should be followed.

Name: Nicky Dobson Signature: [REDACTED] Date: 22/1/2018
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The cost of an agency worker for the period 15th January to the 31st March would cost a maximum of £5,500 (based on a rate of £100 per day)

The cost of this decision can be funded from current staffing vacancies within the SAID SEND team. At Quarter 3 the SAID SEND team are expected to underspend by (£38k).

Following this period it is expected that this post will be reviewed as part of the on-going functional analysis.

Should an agency worker continue to be required for the period 1st April to 31st August 2018 this would cost £11,000 (based on a rate of £100 per day). No budget exists for

this cost in 2018-19 and would cause a pressure on the SAID SEND budget.

Name: Stephen Boldry **Signature:** [REDACTED] **Date:** 18th January 2018
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7

HUMAN RESOURCE IMPLICATIONS:

HR are aware of the circumstances in relation to this matter (and has been approved by Directorate HR Manager) due to the need to urgently recruit until such time the consultation closes re the Functional Review.

In terms of agency: *There are 3 potential options for sourcing additional resource:*

- 1. In line with the council's Recruitment and Selection Policy and Procedure to appoint a fixed term employee;*
- 2. Seeking an agency worker using the council's managed service provider;*
- 3. Following procurement procedures to appoint an **organisation** to undertake the work.*

Failure to correctly use one of these routes could lead to legal challenge and/or other consequences (e.g. HMRC penalties for not paying tax/Ni at source when required).

If seeking to appoint an agency worker, you must follow the Hiring and Managing Agency Worker policy and use the council's managed service provider, Reed Specialist Recruitment Ltd to source appropriate candidates (as per contract effective from 10/09/16). There must also be either a vacant post or an approved ODR (for project work) in place to support the use of an agency worker.

Changes to the intermediaries' legislation (commonly referred to as IR35) came into effect on 6th April 2017 and applies to both new and existing workers / roles. The change moves responsibility from the worker's personal service company (PSC) to the organisation paying the worker / PSC to ensure they make appropriate deductions of tax and NI at source. It is the council's responsibility to determine whether a role will fall inside or outside IR35.

It is envisaged that the role of Assessment Officer will fall inside IR35 unless can you substantiate that it falls outside IR35 with a completed IR35 [employment status tool](#) and supporting information. Before placing an order for the agency worker through the MSP's ordering system (XMS), the Hiring Manager should complete the IR35 tool and send a copy of the assessment to their Directorate HR Business Manager.

Further discussions should take place with the HR & OD Business Manager/Senior Officer prior to any decisions to extend.

Name: Trish Law **Signature:** [REDACTED] **Date:** 10.1.2018

Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

The recruitment of a SAIDSEND support officer at Grade 5 for an initial period of 3 months by agency and up to 8 months pending the conclusion of the functional review to provide business support and phone call triage to the SAIDSEND service must be procured in accordance with the Councils Contract Procedure Rules. To ensure compliance with CPRs the Councils contract for recruitment of temporary staff with Reed should be used.

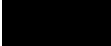
Name: Shaun Ferron **Signature:**  **Date:** __22/01/17
Signature of Assistant Director of Finance & Performance (or representative)

Box 9

ICT IMPLICATIONS:

As with any new starters, a support call would need to be raised via i-Serve for any new ICT equipment/non-standard software needed and for the necessary user account to be created together with access permissions to relevant systems, where applicable. Requests for new ICT equipment will be considered in line with the principles of the WorkSmart strategy and 'Maximising ICT'.

The relevant manager should also ensure any new starters have completed the relevant system training and reviewed and accepted all appropriate ICT and acceptable usage policies. In addition, it will be necessary for the agency worker to sign the relevant confidentiality agreement included in the Agency Workers Induction Statement/ Checklist, available via the Intranet.

Name: Peter Ward (Governance & Support Manager)
Signature:  **Date:** 19/01/18

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

Box 10

ASSET IMPLICATIONS:

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets beyond the need for physical desk space to accommodate

this new post. Liaison is required with the Councils Worksmart officer to ensure appropriate space is available and that the new post holder is suitably assessed for agile working practices.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature:  **Date:** 9th January 2018

**Signature of Assistant Director of Trading & Property Services
(or representative)**

Box 11

RISK IMPLICATIONS:

To be completed by the report author

There is a risk that without taking this decision the local authority will not be able to meet its statutory obligations.

(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 recruitment of this post is essential to the successful delivery of the SAIDSEND service, which provides independent information, guidance and support for parents/carers of children with any level of special educational needs and/or disabilities. We also provide support for young people up to 25 who have disabilities too. This is a crucial service in ensuring equality of opportunity and access for all children and young people in the borough.

Name: Alison Leeming **Signature:**  **Date:** _____ 22.12.17 _____
(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: Dawn Wilson Signature: [REDACTED] Date: 26 March 2018
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: [REDACTED] Date: 22 January 2018
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**