

## 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:  
AHWB/074/2017  
**Extension of Working  
Age Adults Review  
Team contracts**

### Box 1

**DIRECTORATE:** Adults, Health and Well-being

**DATE:** 11.07.17

**Contact Name:** Dee Colom

**Tel. No.:** 01302 734107

**Subject Matter:** Extension of Working Age Adults Review Team contracts

### Box 2

#### DECISION TAKEN:

To request the extension of agency contracts for a period of 3 months for the Working Age Adults review team, which consists of 1 Advanced Practitioner and 3 Social Workers, to allow the recruitment of fixed term contracted staff for the duration of the project.

### Box 3

#### REASON FOR THE DECISION:

The Business Case for the Transformation of Adult Social Care identified that Learning Disability services should embed a person centred, strengths based approach to assessment and support – promoting independence and personalised care whilst achieving value for money. It also recognised that the number and cost of care packages should be reduced in order to make savings using a strengths based assessment and utilise Care Act guidance to determine assessed, eligible unmet need. Accordingly a team of specialist social workers was established to review all those clients in receipt of a high-cost placement or package of care in order to focus on supporting individuals to have better quality of life, quality of support and cost of care.

Over the past months, the team has been deflected to review all residents of RDaSH properties and those in receipt of day care at the SOLAR Centre in order to assess their holistic eligible needs and how, and in what type of accommodation, these could best be met. These reviews, whilst not immediately identified as 'high-cost' have contributed to the overall picture of what services are required to be commissioned by DMBC in the future as part of the overall LD strategic accommodation review.

The next phase in the team's project is to undertake reviews of those in in-house

residential care at Amersall Court in order to look at the provision of care in that establishment, with the possible inclusion of Hamilton Court at a later date.

In all changes in their remit, the team has consistently delivered what has been asked within tight timeframes and to a high standard.

The previous ODR in relation to this project work was dated 23 March 2017 and covered the period March – June 2017.

#### **Box 4**

##### **OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

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

Consideration has been given to managing this work within the existing staff structures and resources. However, it is not possible to achieve the additional work these types of reviews command within current resources. Consequently this extension is required for a further 3 month period to 30 September 2017, in order to allow the recruitment of staff on a fixed-term contract basis to cover the duration of the rest of the project.

#### **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 as 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 national insurance contributions for all payments made to these contractors after 6 April 2017.

**Name:** Helen Wilson **Signature:** \_\_\_\_\_ **by email** **Date:** 15.08.17  
**Signature of Assistant Director of Legal & Democratic Services (or representative)**

## Box 6

### FINANCIAL IMPLICATIONS:

This ODR seeks retrospective approval to extend 4 posts within the Working Age Adults review team for a further 3 months for the period 1<sup>st</sup> July 2017 to 30<sup>th</sup> September 2017. The extension period works out to be 92 days approx. 13 weeks. Previous ODR's suggested the funding would come from the IBCF grant (Improved Better Care fund) however these posts have been managed within the existing Adult Learning Disability team. The estimated costs for the extension period are detailed below. Once again these costs will be met from the existing budget relating to the Adult Learning Disability team.

<u>number of posts</u>	<u>Post title</u>	<u>Agency Weekly cost</u>	<u>extension period (weeks)</u>	<u>Estimated extension cost</u>
1	Advanced practitioner post	£837.00	13	£10,881
3	Social worker	£1,168.50	13	£45,571.50
			<b>Total costs</b>	<b>£56,453</b>

Following this extension period, the funding of the staff employed on a fixed term contract for the duration of this project will need to be documented in an additional ODR, with the funding source identified.

**Name:** Nick Cameron / Chris Cowan **Signature:** \_\_\_\_\_ **Date:** 05/09/2017

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

**Box 7****HUMAN RESOURCE IMPLICATIONS:**

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 the intention is to appoint a fixed term employee, you should develop a job description and have it evaluated to determine the appropriate grade prior to commencing the recruitment process. You will also need to create a job on the HR portal prior to starting the recruitment process.

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 6<sup>th</sup> 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.

This is an extension of the current agency assignment. The social workers currently completing this project work are hired via Reed and have been previously assessed as falling inside IR35. Human Resources are aware that a recruitment drive for social workers is to be undertaken in the near future and it is envisaged that this will enable fixed term contracts to be put in place thus negating the need for agency workers to complete this project work.

**Name: D L Dawson    Signature: [REDACTED]    Date: 28.07.17**

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

**Box 8****PROCUREMENT IMPLICATIONS:**

As per the ODR the current workers are employed via the Corporate Contract for Agency Workers which complies with the CPR's. There are no other procurement implications linked to this ODR.

Name: Holly Wilson    Signature:     Date: 7/8/17  
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: 04/08/17

Signature of Assistant Director of Customer Services and 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.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)  
Signature: By email    Date: 3<sup>rd</sup> August, 2017  
Signature of Assistant Director of Trading Services and Assets  
(or representative)

**Box 11****RISK IMPLICATIONS:**

To be completed by the report author

If the team's contracts are not extended, the impact on the transformation programme in general and in the savings attached to it would be severe. There is no resource in the overall workforce to accommodate these reviews.

(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

There are no further equalities implications from this ODR

Name: Dee Colam\_ Signature:  Date: \_07.08.17

(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:**

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

Name: Gillian Parker Signature: by email Date: 05/09/2017  
Signature of FOI Lead Officer for service area where ODR originates

**Box 15**

Signed:  (Karen Johnson) Date: 5/9/17  
Director/Assistant Director of Adult Social Care

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions (if required)

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

