

## 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/034/2018  
Extension Service  
Manager Post

### Box 1

**DIRECTORATE:** Adults Health & Wellbeing      **DATE:** 27 April 2018

**Contact Name:** Denise Bann

**Tel. No.:** 862222

**Subject Matter:** Agency Contract Extension – 2 x Heads of Service Posts

### Box 2

#### DECISION TAKEN:

- To approve a short term extension from 1<sup>st</sup> May to 29<sup>th</sup> June 2018 to the two interim Heads of Service posts (HOS) within Adult Commissioning and Contracts. Both posts have been covering permanent vacancies. This extension is to allow them to complete specific necessary commissioning project work.
- To approve one of these posts to be extended for the period 2<sup>nd</sup> July to 28<sup>th</sup> September 2018 to undertake a specific project within Adults Communities.

Both post holders were recruited through the Council's procured arrangements with Reeds recruitment Agency.

### Box 3

#### REASON FOR THE DECISION:

Give relevant background information

It is necessary to temporarily extend the two current interim Heads of Service posts within Adult Commissioning for 2 months. These temporary arrangements will enable the current post holders to complete the following projects:-

- Project lead for the Supported Living tender
- Implementation of Trusted Assessor
- Review of Grants
- Extra care development
- Children in transition accommodation

Following the completion of the projects detailed above it is proposed to transfer one of the posts to Adult Communities to lead and undertake the following specific project:-

- RDASH / Solar centre re-provision

The salaries of the current interim Heads of Service will remain as is.

#### **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 two current interim Heads of Service posts – This would have a significant impact on capacity to deliver transformation.

Option 2 – To extend the two current interim Heads of Service posts for a further 2 months (both posts), and to then extend one of the posts to end September 2018 to lead the RDASH / Solar centre re-provision. This would offer continuity, capacity to deliver the transformation changes within adults.

**Option 2 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 should be determined by job evaluation.

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 as 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 terms should be agreed prior to the commencement of the extended contract. 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 has changed. 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.

The Council has policies to deal with recruitment which should be followed.

**Name: Helen Wilson Signature by email Date: 06/06/2018**  
**Signature of Assistant Director of Legal and Democratic Services (or representative)**

**Box 6**  
**FINANCIAL IMPLICATIONS:**

The cost of the extension to these posts to the is estimated to be  
£22,512 (£2,814 x 8 weeks) and  
£15,624 (£1,953 x 8 weeks)  
£38,136

This cost will be met from existing vacancies within the Commissioning Managers budget

The further extension for one post is to cover for an existing project role in the AHWb Transformation programme.

The estimated cost of this is £33,768 (£2,814 x 12 weeks).

This will be funded from the AHWb Transformation funding and is already in the programme

**Name: Paul Williams Signature: by email Date: 18/06/18**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

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

Human resources are aware of the decision to extend the 2 assignments for the reasons outlined in the body of the ODR. The decision to create a new assignment for a specific project is also supported.

It is essential that the Hiring and Managing Agency Worker policy be followed and the Council's managed service provider, Reed Specialist Recruitment Ltd has to be used to source appropriate candidates (as per contract effective from 10/09/16).

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. The hiring manager is required to substantiate if a role falls outside IR35 with a completed IR35 [employment status tool](#) and supporting information. This has to be carried out prior to placing the order for the agency worker through the MSP's ordering system (XMS). A copy of the assessment must be sent to the Directorate's HR Business Manager.

**Name: D L Dawson**    **Signature:** [redaction]    **Date: 1.06.18**  
**Signature of Assistant Director of Human Resources and Communications (or representative)**

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

There are no procurement implications associated with the decision to extend the current temporary head of service role due to both post holders being recruited through the Council's procured arrangements with Reeds recruitment Agency.

**Name: Shaun Ferron**    **Signature: \_By Email\_\_\_\_\_**    **Date: 26.06.18**  
**Signature of Assistant Director of Finance & Performance (or representative)**

**Box 9**  
**ICT IMPLICATIONS:**

There are no direct ICT/technology implications in relation to this decision. The relevant manager must ensure that the extension to the assignments are updated via the Reed XMS Portal. In addition, the Data Sharing and Protection Officer should be made aware of the extension period and revised timescales for system access, where applicable.

At the expiry of the extended contracts and in line with the leavers checklist, the line manager is responsible for ensuring that email and system access is removed (by completing the 'Removal of User' request form, available via i-Serve) and that any allocated ICT equipment is returned.

**Name: Peter Ward (Governance & Support Manager)**  
**Signature:** [redaction]    **Date: 01/06/18**  
**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

**Box 10**  
**ASSET IMPLICATIONS:**

The two interim Head of Service posts already have allocated office accommodation located within the Civic Office. Accordingly, there are no further implications arising from the recommendations of this report that impact on the use of DMBC assets

**Name: Gillian Fairbrother (Principal Property Surveyor)**  
**Signature: By email**    **Date: 04/06/2018**  
**Signature of Assistant Director of Trading & Property Services (or representative)**

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

1. Temporary additional capacity is essential to continuing the delivery of the transformation programme and the commissioning plan.
2. Lack of robust handover will impact the initial effectiveness of the new substantive Heads of Service

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

**Name: Denise Bann    Signature: by email    Date: 27/04/2018**  
**(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:**

**N/A**

**Box 14**

**INFORMATION NOT FOR PUBLICATION:**

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: 09/07/2018  
Signature of FOI Lead Officer for service area where ODR originates**

[redaction]

**Box 15**

**Signed: \_\_\_\_\_ Date: \_12/07/2018\_  
Director of People Damian Allen**

**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