

# 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/035/2018 Extend  
the contract for the Locum  
Paediatric Occupational  
Therapist**

## Box 1

**DIRECTORATE: AHWB**

**DATE: 09/05/2018**

**Contact Name: Sarah Daws**

**Tel. No.: 01302 734804**

**Subject Matter: Extend the contract for the Locum Paediatric Occupational Therapist**

## Box 2

### DECISION TAKEN:

To enable the current Locum Paediatric Occupational Therapist to remain in their full time post to provide cover in the service due to staff absence.

## Box 3

### REASON FOR THE DECISION:

The Paediatric OT service is ordinarily staffed with 2x Fully qualified OTs (1x full time and one who has recently reduced her hours from 26 down to 18.5) and 1x part time OT assistant.

There was a significant period of time (9-12 months) where both of the qualified OTs were absent from work. The service was covered sporadically by locums and subsequently a waiting list accrued. The part time OT is now back in work however the full time OT is off sick and has not been fully back in work since May 2017.

We have a FTE locum OT covering casework and a part time advanced practitioner OT assisting with complex cases and carrying out developmental tasks to ensure the service is operating in line with the councils legal obligations.

The paediatric OT service is in a position where all staff members are holding full caseloads and are only able to respond to urgent referrals. Consequently, the waiting list is not being addressed and is in fact growing. Referrals are dating back to September 2017 (8 months).

Whilst we allocate referrals where there is an immediate safety risk, we have children remaining on our waiting list who have very complex needs. A delay in service to these children will impact on their opportunities to meet their developmental milestones, maximise their full potential and become functional contributing members of their homes and communities.

**Box 4****OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

The continued employment of a full time locum OT will enable the caseload of the full time permanent OT to be covered in their continued absence.

Once the permanent staff member returns to work the Locum OT will be re-directed to address the waiting list to reduce it to an acceptable level. Once the waiting list has been reduced, the service will be back to operating at its previous level and the service of an additional locum OT will no longer be needed.

The paediatric OTs sit within the Adult OT assessment service. Paediatric OT is considered a specialism and as such it would be unrealistic to expect an OT from the Adult team to cover any of the paed work without a significant amount of dedicated training. There are no resources in either section of the team to carry this out.

**Box 5****LEGAL IMPLICATIONS:**

The original ODR was AHWB/137/2017 Recruitment of Two Agency OT's to address the Waiting Lists in the OT service

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.

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 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. There should be in place a contract setting out the terms of the engagement 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 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: 23/05/2018**  
**Signature of Assistant Director of Legal & Democratic Services (or representative)**

#### **Box 6**

#### **FINANCIAL IMPLICATIONS:**

There is currently a salary budget of £94,860 (inc oncosts) for 1.73fte Occupational Therapists & 0.5fte Assessment Officer posts assigned to paediatric OT work. Agency cover has been an ongoing issue for the OT service and in 17/18 a total of £408k was spent on agency cover with £70k of this relating to paediatric OT cover.

As this is a specialist role, an hourly rate of £34 to be paid to the locum was agreed. On costs such as agency fees need to be added to this.

This ODR is to provide cover for 6 months and during this period the service will actively manage the sickness that has resulted in the need to secure this additional resource. The annual cost of the agency post would be approx. £60k.

The reduction in hours of one post from 26hrs p/week to 18.5hrs p/week will provide £6,930 of funding for the agency costs. At the specialist rate of £34 p/hour this would cover approx. 5 weeks full time cover.

Funding of £30k is to be taken from the equipment & adaptations budgets within adult social care and this would then fund 6 months cover. An additional ODR will be required to identify additional funding should the cover need extending over and above this time.

**Name: Ella Postill Signature: E Postill/FM-AHWB Date: 25/05/18**  
**Signature of Assistant Director Finance & Performance**  
**(or representative)**

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

Human Resources are aware of this decision and support the extension of the agency assignment in this instance for the reasons outlined in the body of the ODR.

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&OD Business Manager.

**Name:** Bill Thompson Senior HR&OD Officer \_\_\_\_\_ **Signature:** Bill Thompson \_\_\_\_\_ **Date:** 22/05/2018 \_\_\_\_\_

**Signature of Assistant Director Human Resources, Communications & Executive Office (or representative)**

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

The original ODR was AHWB/137/2017 Recruitment of Two Agency OT's to address the Waiting Lists in the OT service, with the staff being appointed through the Councils supplier Reed who was appointed following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules.

**Name:** \_\_\_ Shaun Ferron \_\_\_ **Signature:** \_\_\_ via email **Date:** \_\_\_ 25.05.18

**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 assignment is 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:** 16/05/18

**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 (Principal Property Surveyor)

**Signature:** By email

**Date:** 15<sup>th</sup> May, 2018

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

**Box 11**

**RISK IMPLICATIONS:**

**To be completed by the report author**

Whilst we allocate referrals where there is an immediate safety risk, we have children remaining on our waiting list who have very complex needs. A delay in service to these children will impact on their opportunities to meet their developmental milestones, maximise their full potential and become functional contributing members of their homes and communities.

**(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:**

N/A

**Name:** \_Sarah Daws **Signature:** \_by email\_ **Date:** \_09/05/2018\_  
**(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)

Discussions were held about whether one of the OTs from the Adults Service could provide support. However the Paediatric OT role is specialist and needs extensive additional training so this would not be appropriate. In addition, the continued pressures on the Adults service would not make this tenable.

**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: 25/05/2018  
Signature of FOI Lead Officer for service area where ODR originates

**Box 15**

[redaction]

**Signed:** \_\_\_\_\_ **Date:** \_31/05/2018\_  
**Karen Johnson Assistant Director**

**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**