

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/044/2018 Agency
Contract Extension –
Service Manager Post
Community Provision

Box 1

DIRECTORATE: Adults Health & DATE: 21 June 2018
Wellbeing

Contact Name: Debbie John-Lewis **Tel. No.:** 737213

Subject Matter: Agency Contract Extension – Service Manager Post Community Provision (Aligned to previous ODR AHW0/020/2018)

Box 2

DECISION TAKEN:

To approve a 9 month extension to the current interim Service Managers post within Adult Community Provision commissioned through Reeds recruitment Agency.

This contract extension will be effective from the 1 July until the 31 March 2019.

Box 3

REASON FOR THE DECISION:

Give relevant background information

It is necessary to continue the backfill arrangements for the Head of service (Community Provision) for a further period of 9 months, whilst the post holder is seconded into the Assistant Directors post for Communities until the end of March 2019.

It's essential that the extra capacity provided by the Service Manager post is retained for a longer period otherwise there is a real risk that the transformation projects already underway particularly in Day Opportunities will slip and the financial savings won't be achieved on time.

There will be no changes to the Service Managers duties and the commensurate salary will remain the same at £400 per day.

An HMRC - IR35 assessment was completed in November 2017 which identified the post as being outside of IR35 and given that there is no change to the terms or duties of the post no further assessment is required at this time.

The funding for this post has been identified from the substantive Head of Services salary budget, and the shortfall of £21,000 will be met through the budget saving arising from having a single Director of People.

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 agency service managers contract – This void would have a significant impact on capacity to deliver the level of transformation required in Community provision this year.

Option 2 – Recruit through DMBC internal recruitment processes – This would take too long to complete, plus a change in the leadership team at this point in time would adversely impact on delivery of the transformation projects required to achieve the financial savings this year.

Option 3 – To extend the current Service Managers agency contract for a further 3 months – This would offer continuity and capacity to deliver the transformation changes within adults In House Service provision this year.

Option 3 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 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: 26/06/2018
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6
FINANCIAL IMPLICATIONS:

It is proposed to extend the current commissioned interim Service Manager post within AHWB, Community Provision for a further 9 months. It will continue to be funded by the budget for the substantive Head of Service Community Provision as per previous ODRs. (The post is currently vacant as the post holder is seconded to the Assistant Director for Communities until 31 March 2019).

The costs for the full year at £400 per day, 5 days each week for 50 weeks (assumes 2 weeks unpaid leave) is £100k. The annual budget available from the vacant HOS post is £79k.

The shortfall of £21k will be met from the savings emerging from having a single Director of People. (There is currently up to £22k that remains uncommitted that can be used for this purpose.)

Name: Olivia Brown Signature: *via e-mail* Date: 25/06/18
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7
HUMAN RESOURCE IMPLICATIONS:

Human Resources support the extension of this contract for an agency worker to continue covering the role for the reasons of continuity. Should it be necessary to extend beyond the date indicated in the body of the ODR then further considerations should be given to recruiting to the post on a temporary basis providing sufficient time to advertise and recruit prior to the end of this contract.

Name: Paula Monk Signature: *P Monk* Date: 28/06/18
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8**PROCUREMENT IMPLICATIONS:**

There are no procurement implications associated with this Officer Decision Record, as Reed is the Councils appointed contractor for agency staff.

Name: __Shaun Ferron__ **Signature:** __via 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 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 (Technology Governance & Support Manager)

Signature: ^[redaction] **Date:** 25/06/18

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

Box 10**ASSET IMPLICATIONS:**

The interim Service Managers post within Adult Community Provision already has 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:** 25th June, 2018

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

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

1. Any changes to the leadership team at this moment in time would adversely impact on the delivery of the transformation changes required.

2. Additional capacity to backfill the Head of Service is essential to the delivery of the change programme.
3. The financial saving identified in 2018/19 will not be achieved on time without the resources of a service manager

(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 Corporate agency recruitment and selection procedures have been followed and all protected characteristics and requirements of the Equalities Duty were adhered to as part of the recruitment and selection process.

Extending the current postholder contract is in line with corporate policy.

Name: Debbie John-Lewis Signature: by email Date: 21/06/2018
(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

