

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/050/2018 Recruit a full time Locum Paediatric Occupational Therapist & extend contracts of 2 locum OTs

Box 1

DIRECTORATE:

DATE: 26/06/2018

Contact Name: Sarah Daws

Tel. No.: 01302 734804

Subject Matter: Recruit a full time Locum Paediatric Occupational Therapist to deal with the Paediatric waiting list, as requested by Damian Allen.

Extend the contracts of the current x2 full time Locum Adults Occupational Therapists by three months each to clear the waiting list for rehousing assessments, and reduce the general waiting list to a waiting time of one month.

Box 2

DECISION TAKEN:

To recruit a full time Locum Paediatric Occupational Therapist to deal with the Paediatric waiting list.

To extend the contracts of the current x2 full time Locum Adults Occupational Therapists by three months each.

Box 3

REASON FOR THE DECISION:

The Paediatric OT service is ordinarily staffed with 1.5 FTE Paediatric OTs 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. The full time OT has just returned from work on a phased return.

We have 0.7 FTE locum OT covering casework and 0.8 FTE Paediatric Advanced Practitioner OT assisting with complex cases and carrying out developmental tasks such as producing policies and procedures to ensure the service is operating in line with the Council's legal obligations.

All staff members are holding full caseloads and are only able to respond to urgent referrals. Consequently, the waiting list is not being addressed. Referrals date back to January 2018.

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.

Adults OT Service is usually staffed by 17 FTE Occupational Therapist who cover the whole borough. We currently have 2 FTE OTs on sick leave and one who has returned to work after almost a year's absence, is on a phased return and has 65 days' leave to take this year.

We receive approximately 5000 referrals a year and the team has worked hard to reduce the waiting lists, which previously stood at approximately three years for non-urgent cases. However we still have 64 people waiting for a rehousing assessment (oldest referral is from October 2017) and 135 for a general OT assessment (oldest referral is from May 2018).

If the two Adults OTs' contracts could be extended, the housing assessment waiting list would be cleared by the end of September. We are working with Home Choice at St Leger to manage demand to ensure that this back log does not build up again.

We received 58 non urgent general referrals to the Adults Service in May 2018. The second Adults locum would ensure that the waiting time for a standard assessment does not increase – it is currently 6 to 8 weeks and my aim is to reduce this to 4 weeks. It is expected that the waiting time would be reduced to 4 to 5 weeks by the end of September if the second locum's contract could be extended.

By the end of September it is expected that the three permanent OTs mentioned above will be working to full capacity again, so the Adults locum contracts could be ended at that time.

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

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

Paediatrics: The employment of a full time locum Paediatric OT will enable the children on the waiting list to be assessed and receive appropriate intervention.

Once the waiting list has been addressed, the service will be back to operating at its previous level and the additional locum OT will no longer be needed.

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

Adults: If the two Adults OTs' contracts could be extended, the housing assessment waiting list would be cleared by the end of September.

It is expected that the waiting time for a general assessment would be reduced to 4 to 5 weeks by the end of September if the second locum's contract could be extended.

The OT team is already working to full capacity so there is no other resource available to achieve these outcomes.

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.

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 be it for the new post or the extension of the existing arrangements.

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: 27/06/2018
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.

The additional cost of these 3 locum posts for 3 months will be approx. £28k. Taking into account these costs and the existing budget pressure due to agency staffing, the projected overspend on the OT budget is £75k.

Funding of £40k is to be taken from the equipment & adaptations budgets within adult social care, and additional income of £35k will be generated by recharging staffing costs to the Disabled Facilities Grant (DFG) capital budget.

Name: Ella Postill Signature: E Postill/FM-AHWB Date: 28/06/18
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7

HUMAN RESOURCE IMPLICATIONS:

As regards the appointment of a new Locum Paediatric Occupational Therapist, 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).

When 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 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 & OD Business Manager.

As regards the Adults OT's, Human Resources support the extension of the contracts for these Agency Workers 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 posts on a temporary basis.

Name: _Bill Thompson Senior HR & OD Officer_____ **Signature:** Bill Thompson_____ **Date:** _28/06/18_____

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

Box 8
PROCUREMENT IMPLICATIONS:

There are no procurement implications associated with the decision to recruit an additional locum and extension contracts of the current locums within Adults to address the Waiting Lists in the OT service, as long as the new appointment and the current appointments are and were through the Councils supplier Reed who was appointed following a procurement process which was compliant with both EU Procurement Regulations and the Councils Contract Procedure Rules.

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 implications associated with this decision.

The revised assignment end dates will need to be updated via the Reed Booking System (XMS).

The Data Protection Officer is responsible for the monitoring and reviewing of network access permissions for 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 (Technology Governance & Support Manager)

Signature: [redaction]

Date: 26/06/18

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

Box 10**ASSET IMPLICATIONS:**

There are no implications arising from the recommendations of this Officer Decision Record that impact on the use of DMBC assets beyond the potential need for physical desk space to accommodate the temporary post holders as identified. Liaison in this event will be required with the Councils Worksmart officer to ensure appropriate space is available and that the post holders are suitably assessed for agile working practices.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email

Date: 27th June, 2018

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

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

Paediatrics: 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.

Adults: We have approximately 60 adults living in housing that does not meet their needs. We have reviewed all the cases, and taken what action we can to mitigate the associated risks, but it is essential that these clients are assessed, as we have been unable to manage all the presenting risks in their current properties. Urgent general cases are allocated immediately. However I am concerned that the risk associated with these cases is not being effectively managed, due to lack of capacity during this period of sickness among the team.

(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

N/A

Name: _Sarah Daws_ Signature: __by email__ Date: __26/06/2018__
(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:

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 OT Service would not make this tenable.

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: __29/06/2018__
Signature of FOI Lead Officer for service area where ODR originates

Box 15

[redaction]

Signed: _____ **Date:** _29/06/2018_
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**