

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:
1819016

Vacancy: N/A

Box 1

DIRECTORATE:

DATE: 11/06/18

Contact Name: Denise Beevers

Tel. No.:

Subject Matter: Maternity cover for Young Carers worker to support the delivery of the service

Box 2

DECISION TAKEN:

The Young Carers Service transferred to DMBC on the 1st October 17. There is an urgent requirement to extend the agency staff cover of one staff member for maternity leave. This is from February 2018 and is needed until September 2018.

Box 3

REASON FOR THE DECISION:

Give relevant background information.

The Young Carers Service is a key priority for DMBC and the CYP. There are plans to develop the service in line with adult caring services starting with a Carer's Charter. Consultation with the Young Carers council is currently taking place about; the charter, the service offer and appropriate marketing for the service. One social group has been developed to enable more young carers to be supported together.

The new initiatives will ultimately help to identify and support more Young carers; however in the interim we have a duty to support the Young Carers who have been referred to the service.

Following the conclusion of the functional review 4 FTE staff form the staffing structure one staff member has been recruited 1 of the possible 4 FTE and although there is a possibility of further recruitment there is still a need to cover the MAT leave. This will provide continuity of support for this vulnerable group of young people.

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

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

Do not extend the cover Maternity leave – which will result in the Young Carers Service not able to function as this would leave only one staff member to continue the work. No development work will take place and Young Carers will have a reduced service.

This proposal is the most cost effective way of ensuring that there is stability in the Young Carers Service and that the offer to Young Carers is not reduced.

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 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 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 [REDACTED] **Date:**
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

Post number 928324 is a new post in Early Help Partnership from 1st October 2017 following the Young Carers Service being brought in house. The post holder going on maternity works 21 hours per week (0.57 FTE) and the full year budget available for this post is £18,990 (including on-costs). Based on an estimate of £350 per week, an agency worker for 7 months will cost £10,616.

The service is funded from a combination of General Fund Budget, DSG and Public Health funding.

Name: Michele Thompson Signature: [REDACTED] Date: 06.07.18
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7**HUMAN RESOURCE IMPLICATIONS:**

This ODR relates to a specific agency worker who is already set up on the Reed Agency system, Extension to the assignment from 1st July to 31st October 2018. Should the Young Carer Practitioner be required beyond the end of October then the option of creating a temporary post should be considered.

To approve an extension please complete the following process:

- Hiring Manager submits an Extension which goes through to the Business Manager.
- The Business Manger would then need to 'View' the Extension and when they are on the Extension Record select 'Edit' from the Actions dropdown.
- This will load an editable version of the Amendment so that they can complete the additional fields, they would then need to 'Submit' so that the changes are saved.
- Once they submit it will navigate them to the Amendment tab on the Booking, where they would then be able to Authorise the Extension from the Actions dropdown on the tile.

There are 3 potential options for sourcing additional resource via this route:

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 (Reed)
3. Following procurement procedures to appoint an organisation to undertake the work

Failure to correctly use one of the above routes may lead to legal challenge and/or other consequences (e.g. HMRC penalties for not paying tax/NI at source when required).

Anyone wanting to appoint an agency worker must follow the Hiring and Managing Agency Worker policy and use the council's approved managed service provider (Reed Specialist Recruitment Ltd).

HMRC's IR35 rules moves the responsibility for statutory deductions from the worker's personal service company (PSC) to the organisation paying the worker / PSC. This is to ensure appropriate deductions of tax and NI are made. The Council are responsible for determining if a role falls inside / outside IR35.

The HM must complete IR35 tool in advance of placing an order through Reed's ordering system (XMS). Refer to the process below for more details.

Name: Sarah Brown Signature: [REDACTED] Date: 20.06.2018
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 maternity cover within the young carers services. However, it should be noted that agency workers must be secured through the councils contract with Reed in order to be compliant with the Councils Contract Procedure Rules.

Name: Shaun Ferron Signature: [REDACTED] Date: 14.06.18
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: [REDACTED] Date: 14/06/18

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

Box 10

ASSET IMPLICATIONS:

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: [REDACTED] **Date:** 13th June, 2018

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

Box 11

RISK IMPLICATIONS:

To be completed by the report author

The cover for this post is required to ensure that the Young Carers Service who is now within DMBC continue to develop and offer a service to Young Carers.

Box 12

EQUALITY IMPLICATIONS:

To be completed by the report author

Reputational risk to the Council if we do not deliver a service for Young Carers

Name: Denise Beevers **Signature:** [REDACTED] **Date:** 11 June 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:

Box 14

INFORMATION NOT FOR PUBLICATION:

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full redacting signatures only.

Name: Denise Beevers Signature: [REDACTED] Date: 11/06/18
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: Damian Allen Signature: [REDACTED] Date: 11/07/2018
Director of People

Signed: _____ Date: _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

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**