

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:
2021035 – Updated

Box 1

DIRECTORATE: LOCYP

DATE: 01 February 2021

Contact Name: Alison Tomes

Tel. No.: 01302 737395

Subject Matter: Temporary additional staffing to support vulnerable children and young people who step down from social care, in particular into educational settings, many of whom have Social, Emotional and Mental Health (SEMH) needs.

Box 2

DECISION TAKEN:

Recruit to four temporary agency posts to support schools to manage children and young people who are stepped down from social care, in particular into educational settings, many of whom have Social, Emotional and Mental Health needs, with direct early help support.

Provide additional leadership capacity by adding two temporary Early Help Pathway leads to support the early intervention process.

Allocate funding of £226k from the Council's COVID-19 pressures fund.

Box 3

REASON FOR THE DECISION:

A growing number of children and young people are showing signs of social and emotional mental health problems. This issue has been identified both nationally and here in Doncaster. Locally, this is evidenced through feedback from schools, through Child and Adolescent Mental Health Services (CAMHS) and in high numbers of children presenting at Accident and Emergency units having self-harmed or attempted suicide.

The number of families open to early help has steadily reduced over the last two years, in comparison to the number of families open to statutory social care, which has increased. It is recognised that a number of pressures relating to the delivery of the Early Help offer have emerged which has necessitated a review of current processes and procedures. In addition, a number of corporate and partnership priorities have been identified during the COVID pandemic that require dedicated leadership capacity.

In order to drive internal and partnership priorities set out in the Innovation Unit report 'Reducing Demand at the Front Door to Social Care' and identified through the work of

the Children and Families Cell, it has become necessary to create an additional two Grade 9 posts to support the leadership within Early Intervention services. These posts will be fixed term for one year whilst the development of the Early intervention and Prevention offer takes place, building on the successful pilot programmes led by the Local Solutions Teams.

The current pandemic has simultaneously increased the strain on families and reduced school capacity to manage early help cases, in particular step-downs from social care. This places a risk in the system for vulnerable children and young people, especially any not in an educational setting. These often end up in a re-referral into Social Care, placing greater pressure on an already stretched front door. Therefore, providing extra Early Help Officers in the form of Family Lead Practitioners means that educational settings will be better supported. In effect, the officers can catch the step-downs and ensure support is provided in a timely and appropriate manner.

Due to the above, this ODR seeks to establish the following posts:

- 2 FTE Early Help Pathway Leads (Grade 9) temporary for 12 months.
- 4 FTE Family Lead Practitioners (Grade 7) temporary for 12 months

Alison Tomes (Early Help Manager) will manage the additional Early Help Pathway Leads.

Box 4

ALTERNATIVE OPTIONS CONSIDERED & REJECTED:

Do Nothing – The impact of doing nothing is not a viable option, as this will result in vulnerable children and young people not being supported and ultimately, the likelihood of them being re-referred into Social Care. It places added pressure into educational settings who are clearly evidencing they are not able to provide the support they normally would due to the current circumstances.

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.

It is advisable to set up a temporary contract for a fixed term. In order for liability in relation to unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the

anticipated length of the contract at the commencement of the contract. After the 4th year of renewal, the employee may be entitled to the position on a permanent basis.

When recruiting to these posts, consideration should be given to establishing them as temporary contracts for a fixed term and appropriate advice sought from HR and Legal. If the length of the contract exceeds 1 year, upon termination the employees may be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

Agency posts

There are no legal restrictions on the use of Agency workers for a local authority. 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 a contract that sets out the terms of assignment in place prior to the renewal of the role. 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, care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to. Care should also be taken to manage the risk of an implied employment contract. As a minimum there should be regular assessment of the nature of work that agency workers are engaged to do and a focus on using agency workers for specific projects or cover for fixed periods.

Incorporate a review of requirements for agency workers into a regular review of staffing levels and needs.

The Council should also note that should the worker become a permanent employee in the future, the time spent as an agency worker may count towards continuous service in order for employment rights to be conferred in terms of qualifying service to be able to bring an unfair dismissal.

An agency worker may also be deemed to be a DMBC employee for the purposes of vicarious liability depending on the amount of day-to-day control DMBC has of their work.

It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

Name: Gemma Ashton

Signature: 

Date: 12.02.21

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6

FINANCIAL IMPLICATIONS:

The cost of this decision is £226k as detailed in the table below with the breakdown of cost expected to be £24k in 20/21 and £202k in 21/22 (subject to start dates and assumed scale points / agency rates).

This will be funded from the COVID-19 pressures funding allocated.

Post / Activity	Estimated Period	Cost	20/21	21/22
2 x Early Help Pathway leads	1 st Apr – 31 st Mar 2022	83,800	0	83,800
4 x Family Lead Practitioners	Feb 21 - Jan 22	142,080	23,680	118,400
		225,880	23,680	202,200

Name: David Blakesley Signature: [REDACTED] Date: 10/2/21

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

Box 7 OTHER RELEVANT IMPLICATIONS

HR Implications

In respect of the 2 temporary grade 9 posts:

These are additional to the staffing structure. The role is grade 9, JEID number 7495. In order to go through the recruitment process, they will initially need to be created on the portal.

Recruitment to the post should be in line with Doncaster's Safer Recruitment Policy. In the first instance, consideration needs to be given to the redeployment register.

In respect of the additional agency staff:

Wherever possible, engagement of agency workers should be avoided or minimised on grounds of cost and to encourage effective deployment of existing staff. Recruiting managers should establish whether current members of staff in their own or other areas of the authority have the necessary knowledge, skills and capacity to undertake the piece of work / project required and, if so, utilise these staff.

There are 3 potential options for appointing Family Lead Practitioners;

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).

If the intention is to appoint a fixed term employee a job description should be developed and evaluated to determine the appropriate grade prior to commencing the recruitment process. A job will also need to be created on the HR portal prior to starting the recruitment process.

If seeking to appoint an agency worker, the Hiring and Managing Agency Worker policy should be followed. The council's approved managed service provider, Reed Specialist Recruitment Ltd (in effect from 10th September 2016), must be used to source appropriate candidates. Either a vacant post or an ODR (for project work) is needed to authorise the use of an agency worker. The ODR must contain sufficient detail about the project, length of assignment setting out the precise contractual position between agency, end-user client and worker as agreed, in a single document.

Changes to the intermediaries' legislation (commonly referred to as IR35) came into effect on 6th April 2017. This change moves the responsibility from the worker's personal service company (PSC) to the organisation that is paying the worker/PSC to ensure the appropriate deductions of tax and NI are made to HMRC. It is the council's responsibility to determine whether the role will fall inside or outside IR35. The change applies to new and existing worker/roles.

Throughout the project, managers should assess the need to use agency workers on an on-going basis, conducting regular reviews to consider whether the need continues or whether alternative arrangements could be made such as secondments or temporary contract arrangements.

Name: J Carter

Signature: 

Date: 16/02/2021

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

There are no significant equality implications associated with this report.

Recruitment to this post will have due regard to the Equalities Act 2010.

These posts will increase capacity within the Early Help team, which will improve the support available to families including those families incorporating one or more of the protected characteristics.

Data collection will help identify any trends or issues relating to equalities and this will help inform future planning and delivery of services.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

Children, young people and families will not receive appropriate and timely support, meaning needs will escalate, placing additional strain on statutory services.

There is potential for reputational risk to the Council if prompt action is not taken to ensure the progress in moving forward with designated early help support and practice guidance, including the development of the Lead Practitioner role.

**BOX 10
CONSULTATION**

N/A

**BOX 11
INFORMATION NOT FOR PUBLICATION**

Signatures only require redaction.

Name: S. Douglas **Signature:**  **Date:** 16.02.2021

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR

NONE

**BOX 13
AUTHORISATION**

Name: Lee Golze Signature: [REDACTED] Date: 15 February 2021

Assistant Director Early Intervention and Localities

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: __Ros Jones__ Signature: _____ [REDACTED] Date: 17/02/2021

Mayor

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.

